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STATE OF NEW YORK

TENTH ANNUAL REPORT

OF THE

PUBLIC SERVICE COMMISSION

SECOND DISTRICT

FOR THE YEAR ENDED DECEMBER 31, 1916

COMMISSIONERS

SEYMOUR VAN SANTVOORD, Chairman

DEVOE P. HODSON

WILLIAM TEMPLE EMMET

FRANK IRVINE¹

JAMES O. CARR

¹ Reappointed February 24, 1916.

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LETTERS OF TRANSMITTAL

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 8, 1917.*

HONORABLE EDWARD SCHOENECK, *Lieutenant-Governor, Albany,*
N. Y.:

SIR: I have the honor to transmit herewith the Annual Report
of the Public Service Commission, Second District, for the year
1916.

Very respectfully,
SEYMOUR VAN SANTVOORD,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 8, 1917.*

HONORABLE THADDEUS C. SWEET, *Speaker of the Assembly,*
Albany, N. Y.:

SIR: I have the honor to transmit herewith the Annual Report
of the Public Service Commission, Second District, for the year
1916.

Very respectfully,
SEYMOUR VAN SANTVOORD,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 8, 1917.*

HONORABLE CHARLES S. WHITMAN, *Governor, Albany, N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report
of the Public Service Commission, Second District, for the year
1916.

Very respectfully,
SEYMOUR VAN SANTVOORD,
Chairman.

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

To the Legislature:

The Public Service Commission for the Second District herewith submits to your honorable body its Tenth Annual Report. There have been no changes in the personnel of the Commission during the year, and no changes of importance in its organization, but important changes in the work of the Commission and in the scope of its work have been brought about during the year through judicial interpretation of the statutory powers of the Commission.

Foremost of these is the decision of the Court of Appeals in the Ulster and Delaware case. This decision defines the power of the Commission under the statute creating it in 1907, as superseding previous enactments of the Legislature establishing maximum rates for the public services which come within the jurisdiction of the Commission. In the Ulster and Delaware case referred to, the railroad corporation had clearly proven it was entitled to increased returns on its property employed in the public service and that its proposed increase in mileage book rates above two cents a mile was an equitable method of effecting this increase. The Commission nevertheless held that in view of the mileage book law of 1895, limiting the rate for mileage books to two cents a mile on such railroads as the Ulster and Delaware, it was without power to grant the increase asked for. Though both the Appellate Division and the Court of Appeals were closely divided, the final result of the appeal of the railroad was the declaration by the Court of Appeals that, under the provisions of the Public Service Commissions Law of 1907, this Commission had the power to permit an increase above the previous statutory limitation, provided The Ulster and Delaware Railroad Company was able to prove that it was entitled to such an increased rate.

Thus instructed, the Commission re-heard the Ulster and Delaware application, and permitted that road to charge two and

nine-tenths cents per mile for mileage books. Following this, there is now pending before the Commission an application by The Long Island Railroad Company to increase its mileage book rate from two cents to two and one-half cents a mile. While no further steps have been taken under this decision, it is deemed proper to call it to the attention of the Legislature. Logically followed, this decision would mean that all the law enacted by legislatures previous to 1907 affecting public service rates in this State is now subject to modification through the determination of this Commission upon proper showing.

Attention is invited to another important decision of the Court of Appeals which must operate to strengthen the hands of the Commissions in administering the law: we refer to *People ex rel. N. Y. and Queens Gas Co. v. McCall*, 219 N. Y. 84, decided in October, 1916. The Appellate Divisions of the Supreme Court have in practice exercised the same jurisdiction over the facts in administrative and quasi-legislative matters that they have over the facts in judicial controversies. In the case referred to, the Commission for the First District ordered the New York and Queens Gas Company to extend its mains and service from the Third Ward of the Borough of Queens to Douglaston and Douglas Manor, about one mile, a distance much in excess of the one hundred feet mentioned in section 62 of the Transportation Corporations Law. The Commission's order was annulled by the Appellate Division as unreasonable, the Court saying (171 App. Div. 580):

The Public Service Commissions Law, section 66, subdivision 2, empowers the Commission "to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations, electrical corporations, and municipalities".

We have no doubt that under this law the question remains for the court to determine, upon the review of the determination of the Public Service Commission, whether the extension ordered was a reasonable extension. This question must be considered in the aspect, first, of the needs of the community; and second, of the burden placed upon the company.

The Court then proceeded to determine, as an original exercise of its jurisdiction over the facts, that the communities of Douglas-

ton and Douglas Manor did not reasonably require the service which the Commission had ordered; and secondly, that the burden placed by the Commission's order upon the gas company was unreasonable; and the Court thereupon annulled the Commission's order and denied the petitioner's application.

On appeal by the Commission to the Court of Appeals, the latter Court reversed the order of the Appellate Division, saying:

The Public Service Commissions are authorized by law "to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations, electrical corporations, and municipalities". [Public Service Commissions Law, section 66.]

Under the authority of this statute the Public Service Commission for the First District made the order requiring the relator to extend its gas mains and services to meet the reasonable requirements of Douglaston and Douglas Manor.

In applying the provisions of this statute, the court at the Appellate Division said: "We have no doubt that under this law the question remains for the court to determine upon the review of the determination of the Public Service Commission whether the extension ordered was a reasonable extension."

This statement of the law is quite likely to create a misapprehension as to the power of the Court. The Court has no power to substitute its own judgment of what is reasonable in place of the determination of the Public Service Commission, and it can only annul the order of the Commission for the violation of some rule of law.

The Public Service Commissions were created by the Legislature to perform very important functions in the community, namely, to regulate the great public service corporations of the State in the conduct of their business, and compel those corporations adequately to discharge their duties to the public and not to exact therefor excessive charges. It was assumed perhaps by the Legislature that the members of the Public Service Commissions would acquire special knowledge of the matters intrusted to them by experience and study, and that when the plan of their creation was fully developed they would prove efficient instrumentalities for dealing with the complex problems presented by the activities of these great corporations. It was not intended that the courts should interfere with the commissions or review their determinations further than is necessary to keep them within the law and protect the constitutional rights of the corporations over which they were given control.

The law governing the commissions is well expressed by the Minnesota Supreme Court in *State v. Great Northern Ry. Co.* (153 N. W. Rep. 247). It is there said: "The order may be vacated as unreasonable if it is contrary to some provision of the federal or state constitution or laws, or if it is beyond the power granted to the commission, or if it is based on some mistake of law, or if there is no evidence to support it; or if, having regard to the interest of both the public and the carrier, it is so arbitrary as to be beyond the exercise of a reasonable discretion and judgment." (See also *People ex rel. Town of Hempstead v. State Board of Tax Comrs.*, 214 N. Y. 594; *People ex rel. Morrissey v. Waldo*, 212 N. Y. 174.)

In *Interstate Commerce Comm. v. Illinois Central R. R. Co.* (215 U. S. 452, 470), the chief judge, after stating the power of the court, continued: "It is equally plain that such perennial powers lend no support whatever to the proposition that we may, under the guise of exerting judicial power, usurp merely administrative functions by setting aside a lawful administrative order upon our conception as to whether the administrative power has been wisely exercised. Power to make the order and not the mere expediency or wisdom of having made it, is the question."

The court at the Appellate Division did not, therefore, have the power to determine that the extension of the relator's gas mains and pipes ordered by the Public Service Commission was unreasonable in the sense that it was an unwise or inexpedient order, but only that it was unreasonable if it was an unlawful, arbitrary, or capricious exercise of power.

As it seems, the Court of Appeals has thus put the decisions of the Commissions on the footing apparently intended by the Legislature in the year 1907 when the law was adopted.

The New York and Queens Gas Company applied to the Court of Appeals for a reargument in the case mentioned, and very many of the larger gas corporations and electrical corporations of the State united in an application to be allowed to intervene and be heard upon the reargument; but the Court denied the motion December 28, 1916.

The courts during this year have also interpreted the powers of the Commission under chapter 667 of the laws of 1915, the so called "jitney law". It has now been made clear that all operators of vehicles within the cities of the State for a fare of fifteen cents or less must come to this Commission for a certificate of convenience and necessity. One hundred and twenty-eight appli-

cations were made to the Commission by operators of jitney busses in the city of Rochester. This was the most striking instance of this competition with the existing agencies of urban transit under the protection as well as under the regulation of the State, and the Commission devoted much time to the determination of the cases. With a view solely to preserving the rights of the public to reasonable and adequate service, a searching analysis was made of the street railway system in Rochester. As a result of this investigation, the Commission found that the street railway was giving or could be made to give adequate service. The Commission held that the day of the electric street railway for urban transportation had not passed, and decided that the public in Rochester would be served better by the development of the already far advanced street railway system than by a new method of transportation, and one of at least doubtful value, attempting to supplement the trolley service in a competitive way which could only mean that in the end the public would suffer from the two systems of transportation, neither of which in itself could afford adequate service in the face of the competition of the other. The principle enunciated in this decision has been followed in dealing with other applications for certificates of convenience and necessity for jitney bus lines, and at the present time there are but two such lines operating exclusively within city limits in this District. This policy, however, has not resulted in depriving of bus service those localities which have not been or can not be served by electric railway lines, nor has it excluded from its proper field the enterprising promoters of the new form of transportation. The two jitney bus lines operating exclusively within cities are serving, in an apparently satisfactory manner, territories not adequately served by the street railways. And in a very large number of cases, certificates have been granted for bus lines of an interurban or suburban character to operate over city streets to their natural termini in the business sections. All of the latter class of certificates, however, have so far as possible been so framed that these interurban and suburban lines may not injuriously compete with existing street railway operations within cities.

It may be mentioned in passing that the law as it now stands with regard to the rapidly growing motor bus industry affords no

control whatever by any agency of the state government over lines operating wholly outside of cities. Existing interurban carriers are not protected from this competition, and there is no means of making regulations for safety of operation on the bus lines; and apparently there is no provision either for the protection of the state and county highways which these modern carriers use as right of way, nor for any special return to the State for this very special privilege.

There is another feature of the jitney law to which the attention of the Legislature is respectfully invited. By it every person and corporation owning or operating a stage route, bus line, or motor vehicle line or route was declared to be included within the meaning of the term "common carrier" as used in the Public Service Commissions Law, and was made subject to all the provisions of that law applicable to common carriers. The Commission believes that the intention of the Legislature was to require persons and corporations intending to operate a vehicle in competition with street railroad corporations in cities to obtain from the Public Service Commission a certificate that such operation is required for the convenience of the public. But by its terms, the act made every such person and corporation subject to all the provisions of the Public Service Commissions Law, so that as matter of strict interpretation a person could not issue a note payable more than a year after date for the purchase price of a Ford jitney; nor sell it to anybody else; nor carry any passengers till he had filed his tariff with the Public Service Commission; nor do any other of many acts without an order of the Commission. And he must make annual reports of all his financial operations, report all accidents, etc. It is obvious that minute regulation of this character has no proper relation to the particular agency sought to be controlled, and therefore the Commission suggests an amendment to section 25 of the Transportation Corporations Law. The following amendment would carry out this suggestion:

§ 25. [*Additional Persons and Corporations Subject to the Public Service Commissions Law.*] *Certificate of Convenience and Necessity Required for Operation of Certain Vehicles.*—Any person or any corporation who or which owns or operates a stage route, bus line, or motor vehicle line or route, or vehicles described

in the next succeeding section of this act, wholly or partly upon and along any street, avenue, or public place in any city shall [be deemed to be included within the meaning of the term "common carrier" as used in the Public Service Commissions Law, and shall] be required to obtain *from the Public Service Commission* a certificate *that public* [of] convenience and necessity [for] *require* the operation of the route or vehicles proposed to be operated [, and shall be subject to all the provisions of the said law applicable to common carriers].

Grade Crossings: The Commission is able to report very satisfactory progress within the year in the elimination of steam railroad grade crossings, which has been made possible by the appropriation made for this purpose by the last Legislature. We have requested a substantial appropriation for this purpose this year which we earnestly hope will receive your favorable consideration. With one exception, at Tarrytown, all the electrified lines of the New York Central in Westchester county are now separated from the highway grades. The New Haven road some years ago began the elimination of its grade crossings upon its own initiative, and its lines in Westchester county are not now crossed at grade by any important highway.

Two eliminations of great importance with respect to the safety of the State's travelers by automobile and otherwise have been authorized, and the work upon one of them has been commenced this year. At the Harlem Avenue grade crossing, where one of the main highways into the city of Buffalo traverses no less than fifty-seven railroad tracks, there is now being substituted a viaduct nearly half a mile long. The elimination of the dangerous Brown Street crossing in Rochester has been authorized and the work will shortly commence.

During the course of the year, however, there has developed a number of grade crossing applications in which the cost of elimination was far out of proportion to the greater degree of safety to be attained. The Commission has observed that in many of these cases slight modifications in the physical surroundings would make the grade crossings reasonably safe at slight cost. Yet the Commission is without power to order changes in the physical surroundings of grade crossings, and without power to apportion the cost of such changes.

The Commission, in accordance with an opinion elsewhere cited in this report, herewith memorializes the Legislature upon this subject, and is prepared to present concrete ideas for the suggested enlargement of its powers.

There are nearly one thousand grade crossings of electric railways with highways in this Public Service District. Increasing automobile traffic has made these almost as dangerous as the grade crossings of steam railroads. Three persons were killed and twenty-one persons injured in accidents at these crossings during the year. At the present time the Commission is without power to order the elimination of the grade crossing of electric railroads, and under existing financial conditions and because of other various considerations it is doubtful whether this important matter can be adequately covered by statutory provision at the present time.

The Commission has, however, for over a year been in formal conference with representatives of the automobile clubs and of the electric railroads of the State upon this subject. A report of this conference is now being prepared, as outlined elsewhere herewith, and the Commission may desire in conformity with the recommendations of this conference to come to the Legislature at an early date for some extension of its power in respect of these electric railroad crossings.

An important step has been taken during the year in the change from the photometric to the calorimetric standard for manufactured gas. For many years a committee representing the gas makers of the State and the engineers of this Commission have been studying this problem. The new standard will afford a greater uniformity in the gas product, and hence a better value to the consumer; will make possible the transmission of gas over longer distances than hitherto; and while perhaps measurably relieving the companies of the very serious burden occasioned by the steadily increasing cost of the enriching oils necessary to maintain manufactured gas at the required candle-power standard, ultimately may result in a reduced price to the consumer. As electricity is rapidly replacing gas as an illuminant; and as, even where gas is used for illumination, it is very generally used in a mantle burner which requires heating power rather than lighting power for its efficiency; and furthermore, as any development of

the field for the use of manufactured gas is in the sphere of cooking and heating in the home and in heating and power in the field of industry, it is felt that the change will conduce to better service for the vast majority of gas users and no deterioration of service to any class of users. The standard set, 585 British thermal units per cubic foot, is relatively high, and such as to assure the maintenance of the quality of the gas in this District at approximately its present value.

The Commission is able to report that the financial status of the public service corporations under its jurisdiction shows in the main a gratifying improvement. While the bulk of this improvement for the year just passed is of course assignable to improved general business conditions, it is nevertheless demonstrated that a great deal of stability has been added to the market for securities of these corporations through the work of this Commission in checking and giving advice on financial plans in the light of its accumulated special experience of ten years in this field, and by the knowledge on the part of investors that the financial operations of the corporations in this District are properly supervised.

The Commission earnestly commends to the attention of the Legislature recommendations again made for amendments to the Public Service Commissions Law for the following purposes:

(a) To give the Commission a wider discretion in requiring annual reports and their verification.

(b) To bring the requirements of sections 66 and 80 with regard to the reports of light, heat, and power companies into conformity with the discretionary sections referring to corresponding powers over common carriers and telephone and telegraph companies.

These recommendations are discussed in detail in the parts of this report covering the division of statistics and accounts, and the division of light, heat, and power.

The Commission urges this year, as it did last year, a modest increase in appropriations to provide additional inspectors of electric plants and lines. The vast overhead electric construction which now covers many parts of this State has proven in the past a menace to safety and to life, as well as to continuity of service. It is a matter of pressing necessity that two inspectors be added to

the force of the division of light, heat, and power for this field work.

Physical Valuation of Property of Common Carriers: At this time we desire to renew the recommendation which we made to the last Legislature concerning an appropriation for the purpose of enabling this Commission to contribute toward the expense of maintaining the bureau established at Washington by the National Association of Railway Commissioners in connection with the physical valuation of property of common carriers.

The Interstate Commerce Law was amended by Congress March 1, 1913, to provide for a physical valuation by the Interstate Commerce Commission of the property of common carriers subject to the provisions of the act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof.

The proposed valuation will prove of far reaching effect, and it is expected that the work will require several years for its completion. One of the provisions of this amendment is that when the Interstate Commerce Commission has completed the tentative valuation of the property of a common carrier, and before such valuation becomes final, notice shall be given by the Commission to various persons, among others the Governor of the State in which the property so valued is located, setting forth the valuations placed upon the various classes of property of the carrier in that State; and the persons to whom such notice is given are allowed thirty days in which to file a protest with the Interstate Commerce Commission against such valuations, which latter, in the event that no such protest is filed, become final; otherwise a hearing is to be given upon the protest.

When these valuations have become final they are to be published and are to be considered as *prima facie* evidence of the value of the property as of the date of the fixing of such valuations in all proceedings under the act to regulate commerce, and in all judicial proceedings for the enforcement of the act and the amendments thereto, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

For many years there has been a National Association of Railway Commissioners, the members of which consist of the respective railroad and public service commissions in the various States of

the Union. The two Public Service Commissions of this State are members of the national body. The National Association meets annually and takes a very active interest in all matters related to public utilities. In view of the importance of the question of the valuation of the property of the railroads, this Association has deemed it advisable to and has established a bureau at Washington for the purpose of keeping the various state commissions thoroughly informed as to the progress which is being made in this valuation work and thereby enable the commissions in the different States to appear before the Interstate Commerce Commission on these valuation matters when the interests of the States are affected. If this were not done, it would be necessary for each State to have a representative in Washington to follow the matter individually in order that its Commission having charge of public utilities might be thoroughly informed as to what was being done.

The members of the National Association considered that the various state organizations could be kept in touch with the valuation proceedings more effectively, as well as at less expense, by the establishment in Washington of such a bureau, which should be maintained as long as may be deemed necessary, and supported by voluntary contributions from the individual commissions and state boards which make up the membership of the national body. In view of the fact that a measure of duty will ultimately fall upon the Governor of this State in connection with the valuation report of the Interstate Commerce Commission, we believe that it would be of material benefit to him to have this Commission fully informed as to what is being done in this valuation work, so that at the proper time and from time to time it may be able to advise him intelligently regarding the matter. To that end we consider it advisable for us to coöperate in the work of the National Association and aid in the establishment and maintenance of the proposed bureau by a substantial annual contribution for the years 1917 and 1918. We therefore recommend that the Legislature shall appropriate \$2000 to cover such a contribution by the Second District Commission on behalf of the State of New York for the years 1917 and 1918. Similar contributions in the amount mentioned have been contributed by other States.

We are more than ever convinced that such a bureau is desirable and that it will be of material aid to this Commission. We are

already receiving the information and reports which it is sending out, and we believe that we should quite properly contribute our share toward the expense incurred and to be incurred in this work which will be of such undoubted importance to all concerned.

HEARINGS

From January 1, 1916, to December 31, 1916, the Commission held 591 hearings, of which number 223 were held in Albany, 92 in New York city, 134 in Buffalo, and 142 in various other places in the State.

Of the 326 days actively devoted to such hearings, the time of the Commission was divided as follows:

Albany	124 days
New York	64 days
Buffalo	58 days
General	80 days

APPLICATIONS AND COMPLAINTS

	1908	1909	1910	1911	1912	1913	1914	1915	1916
Formal complaints.....	252	532	345	330	312	315	312	353	155
Correspondence complaints.	1,147	1,088	1,452	1,713	2,227	2,158	1,726	1,352	1,219
Total number of com- plaints.....	1,399	1,620	1,797	2,043	2,539	2,473	2,038	1,705	1,374
Applications from corpora- tions (issue of securities, rates, etc.).....	207	225	262	278	314	369	325	292	320
Total number of com- plaints and applications.	1,606	1,845	2,059	2,321	2,853	2,842	2,363	1,997	1,694
Total for nine years.....									19,580
Orders of Commission to show cause, etc., 1916									11

The number of auto bus applications, including an order to show cause, received during the year was 38, divided as follows:

Applications received	37	
Order to show cause	1	
		38
Applications granted	35	
Application closed due to withdrawal	1	
Order to show cause closed because of proceedings commenced by Counsel of Commission.....	1	
Open.	1	
		38

The number of applications and complaints disposed of during the year is as follows:

Applications	298
Formal complaints	152
Correspondence complaints	1,371
Orders to show cause, etc.....	20
Total	1,841

EXPENSES OF THE COMMISSION

For the first fifteen months, July 1, 1907, to September 30, 1908.....	\$307,734.05
For the fiscal year from October 1, 1908, to September 30, 1909.....	276,575.41
For the fiscal year from October 1, 1909, to September 30, 1910.....	295,443.08
For the fiscal year from October 1, 1910, to September 30, 1911.....	342,739.47
For the fiscal year from October 1, 1911, to September 30, 1912.....	372,323.04
For the fiscal year from October 1, 1912, to September 30, 1913.....	373,068.21
For the fiscal year from October 1, 1913, to September 30, 1914.....	405,955.22
For the fiscal year from October 1, 1914, to September 30, 1915.....	438,056.79
For the period from October 1, 1915, to June 30, 1916 (nine months).....	296,461.01
Appropriations for fiscal year commencing July 1, 1916, and ending June 30, 1917, by chapter 646, laws of 1916.....	404,840.00

Owing to the change in the State's fiscal year, the last period for which expenses are shown is for the nine months ended June 30, 1916, only. For purposes of comparison there may be added to this amount \$88,774.51, representing expenses during the months of July, August, and September, developing a total for a twelve months' period of \$385,235.52. As explained in the 1915 report, the increase in expenses during the years ended September 30, 1914, and September 30, 1915, was due to the cost of the investigation of the properties, affairs, and rates of charges of the New York Telephone Company within the city of New York; the regular expenses of the Commission during these years being \$398,033.02 and \$402,564.37 respectively.

The foregoing does not include the estimated amount of the State's share of expense incurred in grade crossing eliminations ordered by the Commission, nor does it include the amount actually expended for such purposes. The 1916 Legislature appropriated \$175,000 for the continuation of grade crossing elimination work.

Estimates for the fiscal year commencing July 1, 1917, have been submitted to the proper state authorities for expenses of the Commission, amounting to \$421,210.

CORPORATIONS UNDER JURISDICTION

December 31, 1916, the Commission had upon its records the names of 958 corporations, municipalities, and unincorporated persons engaged in serving the public in some capacity, or incorporated or organized for the purpose of rendering such service. They are classified as follows:

<i>Steam Railroad Corporations</i>	
Operating.....	63
Not operating, either inactive or dormant.....	13
Not operating, lessor.....	65
	<hr/> 141

<i>Street Railroad Corporations</i>		
Operating.....	73	
Not operating, either inchoate or dormant.....	9	
Not operating, lessor.....	20	
	<hr/>	102
<i>Express Companies</i>		
Operating.....	5	
Not operating, lessor.....	1	
	<hr/>	6
<i>Sleeping Car Company</i>		
Operating.....	1	
	<hr/>	1
<i>Baggage Companies and Transfer Companies</i>		
Operating.....	58	
	<hr/>	58
<i>Stage Coach Corporations</i>		
Operating.....	41	
	<hr/>	41
<i>{Stock Yard Company</i>		
Operating, unincorporated person.....	1	
	<hr/>	1
<i>Electrical Corporations</i>		
Operating.....	198	
Operating, unincorporated persons.....	64	
Operating, municipalities.....	48	
Not operating, either inchoate or dormant.....	12	
Not operating, lessor.....	8	
Not operating, lessor unincorporated person.....	1	
	<hr/>	331
<i>Coal Gas or Water Gas Corporations</i>		
Operating.....	29	
Operating, unincorporated persons.....	3	
Operating, municipality.....	1	
Not operating, either inchoate or dormant.....	1	
Not operating, lessor.....	1	
	<hr/>	35
<i>Coal Gas or Water Gas and Electrical Corporations</i>		
Operating.....	47	
	<hr/>	47
<i>Natural Gas Corporations</i>		
Operating.....	43	
Operating, unincorporated persons.....	6	
Not operating, either inchoate or dormant.....	4	
Not operating, lessor.....	1	
	<hr/>	54
<i>Electrical and Natural Gas Corporation</i>		
Operating.....	1	
	<hr/>	1
<i>Coal Gas and Natural Gas Corporation</i>		
Operating.....	1	
	<hr/>	1
<i>Electrical, Coal Gas, and Natural Gas Corporation</i>		
Operating.....	1	
	<hr/>	1
<i>Acetylene Gas Corporations</i>		
Operating.....	11	
Operating, unincorporated persons.....	5	
Operating, municipalities.....	2	
	<hr/>	18
<i>Gasoline Gas Corporations</i>		
Operating.....	9	
Operating, unincorporated persons.....	4	
Operating, municipality.....	1	
	<hr/>	14

<i>Steam Corporations</i>		
Operating.....	12	
	<hr/>	12
<i>Telephone Corporations</i>		
Operating.....	101	
Operating, unincorporated persons.....	5	
Not operating, either inchoate or dormant.....	2	
	<hr/>	108
<i>Telegraph and Cable Corporations</i>		
Operating.....	3	
Not operating, either inchoate or dormant.....	1	
	<hr/>	4
		<hr/>
		976
Less duplication on account of corporations which make separate reports in two or more classes of operations or for distinct properties.....		18
		<hr/>
Total.....		958

DIVISION OF STATISTICS AND ACCOUNTS

The work of this division has not varied essentially from that of past years. As heretofore, the greater part of the time of the division has been given to the auditing or critical examination of annual reports of public service corporations for the purpose of enforcing uniform accounting and securing accurate statements of financial and physical conditions. Very much of this critical examination of annual reports concerns itself with errors and omissions that have only to be pointed out to be corrected. Apparently there is a certain minimum of inaccuracy due to haste, carelessness, or general human fallibility that is inevitable, and it is possible that this minimum has been reached, for there has been no appreciable diminution in the number of obvious errors and omissions discovered in the reports for the past year. There is some question, indeed, whether the work of examining annual reports and correcting them by correspondence is not out of proportion to the value of the results now achieved.

The Commission has adopted the uniform system of accounts prescribed by the Interstate Commerce Commission for steam railroad corporations, and uses the Interstate Commerce Commission's forms in obtaining reports from them as well as from Express companies and from The Pullman Company. It also uses the Interstate Commerce Commission's classification of accounts for large Telephone corporations. It has not adopted the Federal Commission's accounting system for electric railways,

because the differences between that system and the one prescribed by the New York Public Service Commissions for electric railroad corporations before the interstate classification was promulgated were considered to be such as to make the latter unsuited for the purposes of the State Commissions. Since many of the electric railroad corporations reporting to this Commission are also required to report to the Interstate Commerce Commission, conferences were arranged between the chief of our division of statistics and accounts and representatives of the division of carriers' accounts of the Interstate Commerce Commission. The conferences have been of benefit to all concerned, and there is now in preparation a new accounting classification for electric railways based upon that of the Interstate Commerce Commission with certain modifications to fit it for the use of this Commission while still leaving it entirely adaptable to the requirements of the former.

Many of the larger electrical corporations and gas corporations as well as street and interurban railroad corporations are now managed by interests which operate similar utilities in several States, for whom conflicting accounting requirements in the different States is a serious inconvenience. The National Electric Light Association showed its appreciation of this situation in a resolution which it adopted at its annual convention last May, recommending the standardization of the accounting requirements of the various States, so that correct comparisons might be made between similar utilities in varying localities, and offering the coöperation of the Association's accounting section to this end.

This Commission during the year delegated a representative to attend a meeting of state commission statisticians and accountants called by the Chairman of Committee on Statistics and Accounts of Railroads of the National Association of Railway Commissioners, for the purpose of considering the standardization of railroad statistics published by the different States. The conference held some very interesting discussions and came to an agreement on several important matters, and it is hoped that a start has been made in a direction where an enormous amount of good work remains to be done.

The division has devoted an increasing amount of its time to making copies of and abstracts from annual and other reports and

to furnishing statistical information of various sorts to inquirers. During the year 290 visitors signed receipts for the examination of reports at the office of the division as compared with 221 in 1914 and 235 in 1915. A large number of inquiries about utilities subject to the Commission's supervision were also answered through correspondence or in personal interviews.

Last year and the year before several recommendations were made for amendments in the Public Service Commissions Law with particular reference to the work of the division of statistics and accounts. These recommendations have not been carried out, and are hereby repeated and emphasized. Especially it is desired to call attention to the requirements of reports from baggage and transfer companies, stage coach corporations, and the smaller corporations generally. If the Commission were given wider discretion in the matter of obtaining reports from some concerns that are technically subject to its supervision but are too small to have any practical significance, it would do away with a great deal of irksome red tape that in many cases borders on sheer absurdity. This matter was given attention by the Committee on Statistics and Accounts of Railroads of the National Association of Railway Commissioners, and in the report of that committee at the 1916 convention it was recommended "that it would be well for the various commissions represented in the association to secure wherever necessary greater latitude for administrative discretion in the matter of requiring reports to be filed in certain cases". This applies even more forcibly to small utilities other than railroads, and particularly, as far as this Commission is concerned, to "Baggage Companies," "Transfer Companies," and "Stage Coach Corporations".

The suggested amendments to the statute are again summarized, as follows:

(a) Amendments giving the Commission discretion in the matter of requiring annual reports.

(b) Amendments giving the Commission wider discretion as to the form of verification of annual reports.

(c) Amendments to sections 66 and 80 of the Public Service Commissions Law eliminating the specific requirements of certain things to be contained in the annual reports of light, heat, and

power plants, and leaving to the Commission the power to prescribe the form of the report under general directions like those in the corresponding sections of the law with reference to reports of common carriers and of telephone and telegraph companies.

Comment on Appendices: Appendix A: As in former years, the division has prepared a summary from the reports of the principal classes of utilities under the Commission's jurisdiction, showing certain significant totals of income and traffic for each year since the organization of the Commission. This year the data for electrical, gas, and telephone corporations have been enlarged by the inclusion of some items that have heretofore not been summarized, such as gross income, deductions from gross income, and net income. It is perhaps worth while to point out that such figures as are contained in these summaries must be used with a great deal of caution. No final conclusions as to the condition of any public utility group should be based on them alone, their chief value being in the suggestions they may offer for further analysis of whatever tendencies they may appear to disclose. The reason for the caution should be obvious. The figures are compiled by adding together the items given in individual reports. No allowance, therefore, is made for intercorporate payments; for traffic, particularly on the large trunk line railroads, entirely outside the State; or for fluctuations in reported traffic figures due merely, for example, to the fact that a corporation which previously operated both within and without the State has divested itself of its properties outside New York and no longer includes such operations in its reports to the New York Public Service Commission. Again, there is no way in such summaries as these to give proper weight to variations due to the inclusion of large new properties with small earnings but heavy fixed charges, or to variations due to the nature of the business within a group, as, for example, the differences between urban and interurban electric railways, steam and hydraulic electric plants, producing and distributing companies, etc. Making all due allowances for these various sources of error, the tendencies indicated by the tables are interesting and significant. In the following paragraphs the attempt is made merely to call attention to some of the most suggestive variations indicated by the

figures as well as to point out in a few instances the unusual circumstances that have had an important effect on them.

Steam Railroad Corporations: The heavy steam railroad business during 1915-1916, which is a matter of common knowledge, is reflected by the large increases in operating revenues, operating expenses, and operating income. It is of some interest to note that while there was an increase of 20.1 per cent in freight tonnage carried, and 23.2 per cent in freight ton-miles, the increase in the number of passengers carried was only 3.9 per cent, and in passenger-miles 3.8 per cent. Net income nearly doubled as compared with the preceding year, and was more than double the net income for 1907. Dividends, however, were only slightly greater than in 1915.

There is added to the summaries this year the road mileage operated by steam railways within the State of New York. Because of duplications and ambiguities, particularly in the earlier years, it is difficult to obtain this figure with absolute accuracy, but the mileage here shown is believed to be substantially correct. It must be borne in mind that the income figures and traffic statistics cover the entire business of the corporations reporting, and that therefore they bear no relation to the road mileage. The decrease in mileage between 1914 and 1915 is chiefly due to the electrification of the Jamestown, Westfield and Northwestern, and the Niagara Junction railroads, which had formerly been operated by steam.

Electric Railroad Corporations: The falling off in electric railway operating revenues noted in last year's report has not persisted, the 1916 figures showing an increase of 5 per cent over the preceding year and a greater total than for any other year of the series. Expenses also increased, but net revenue from railway operations is better than for any previous year. Tax accruals show a very slight increase. Railway operating income is nearly as high as the highest year of the series, 1914. Gross income shows an increase, while interest charges show a considerable decrease, partly offset by an increase in "Other deductions" (rentals, amortization of suspense items, etc.). The net income is 72.2 per cent greater than for 1915. Dividends were a little higher and in total amount to more than the net income, showing

that to some extent they were paid out of accumulated surplus. The number of passenger fares and transfers is greater than for any other year, and the number of revenue car-miles is greater than for any other year except 1914.

As in the case of the steam railroad summaries, there is added to the table a column showing the electric railway mileage operated within the State. While for electric railways under the Commission's supervision the traffic on lines outside the State is very much less important than for steam railroads, it is still considerable, and it must therefore be remembered that the mileage figures are not comparable with the income and traffic statistics. The increase in total mileage from 1914 to 1915 is principally due, as mentioned above, to the electrification of the Jamestown, Westfield and Northwestern, and the Niagara Junction roads. The decrease in the 1916 figures as compared with those for 1915 is chiefly due to the abandonment of the roads of the Lima-Honeoye Light and Railroad Company, and St. Lawrence International Electric Railroad and Land Company.

Electrical Corporations and Gas Corporations: The electrical corporations and gas corporations whose returns are summarized include only those with annual revenues of \$25,000 or more; but since nine-tenths of the electric and gas business in the State is carried on by the companies in this class, the returns may be considered typical for the industry as a whole. The revenues, expenses, taxes, and operating income of companies engaged solely in generating and distributing electricity show an almost unbroken increase for the entire series of years covered by the comparisons. The operating income for 1915 is 5.5 per cent greater than that for the preceding year, and 90.1 per cent greater than that for 1908. Gross income shows a similar increase. Interest charges have been increasing slowly since 1911, and for 1915 show a 4.1 per cent increase over the preceding year. The large increase in "Other deductions from gross income" in 1914 and 1915 is due in very considerable measure to the inclusion in the totals for these years of the rentals paid by the Niagara, Lockport and Ontario Power Company for the plants of the Salmon River and Northern New York companies. Net income for 1915 is 3.1 per cent better than for the previous year, and 474.6 per cent

better than for 1908. Dividends for 1915 show a slight falling off as compared with 1914, but are greater than for any other preceding year of the series.

The companies that conduct both electric and gas operations show increases in operating income in both departments for 1915 as compared with the preceding year of 21.4 per cent for electricity and 14.5 per cent for gas. Gross income has been steadily increasing for these companies; and while interest charges and other deductions from gross income have also shown a tendency to increase, the increase is not sufficient to offset the steadily rising net income which for 1915 is 29.9 per cent greater than for the preceding year and 169.7 per cent greater than in 1908. Dividends for 1915 were 57.4 per cent greater than in 1914 and 376.2 per cent greater than in 1908.

Operating revenues for coal gas and water gas corporations were slightly less than in the preceding year, but expenses were 6.4 per cent less, and although taxes were higher, operating income for the first time since 1910 shows an increase over that for the preceding year, the rate of increase being 12.4 per cent. The operating income for 1915 was almost equal to that for 1908 but is still below that for the highest year in the series, 1910. Net income for coal gas and water gas corporations in 1915, after deducting interest and other fixed charges, was 100 per cent greater than in 1914, although still considerably below that for 1908. Dividends for 1915 were more than twice those for 1914.

The natural gas corporations show a slight falling off in operating income as well as in net income. Dividends for the year, however, were 27.1 per cent greater than for 1914. As has been pointed out in previous reports, the large decreases in the totals to be observed by comparing the figures for the last three years of the series with those of the preceding years are due chiefly to the exclusion from these totals in 1913 and thereafter of figures for the Pennsylvania properties of the United Natural Gas Company which were transferred at that time to a Pennsylvania corporation.

Telephone Corporations: For the four years for which returns of telephone corporations are tabulated there is a steady increase in both revenues and expenses. Operating income, which

for 1914 was slightly lower than in either of the preceding years, is for 1915 11.8 per cent greater than in 1914, and 8.2 per cent greater than in 1912. Interest charges for 1915 show a considerable falling off as compared with 1914, chiefly due to the conversion into stock of a large amount of the American Telephone and Telegraph Company's convertible bonds; and net income is better than in 1914 by 7.6 per cent, and also better than in 1912 by 3.9 per cent. Dividends have shown a small but steady increase each year of the series.

Appendix B: This is a tabular study of the comparative fuel costs of generating electric energy during the past five years as shown in the annual reports of electrical corporations. It has considerable value as a check on operating costs when the conditions are known to be reasonably comparable. Attention has been called in footnotes to circumstances of variation which especially affect the results shown. The most significant part of the table is evidently that for companies which generate power very largely by steam. For the companies which purchase a large part of the electric energy which they distribute, or for those which generate largely by water power, the principal factor affecting the quantity and cost of fuel per kilowatt hour generated is likely to be the use of coal for maintaining a steam plant in reserve, the cost of which is charged to "Generating Fuel," although the steam plant may actually be very little used to furnish power for generating electricity. It is difficult to draw any valid general conclusions from the figures, and their chief use is for comparisons of companies known to have similar operating conditions or for a study of fuel costs over the five-year period in a single company.

DIVISION OF CAPITALIZATION

The favorable market for securities of practically all classes during the past year has enabled public utility corporations to dispose of their securities to better advantage than heretofore, but the higher prices which were received were not entirely due to this cause. Greater stability has been given securities of these corporations due to the fact that there is now available for their use a vast and valuable fund of information as to the most desirable financial plans to be followed, gathered from the extensive

experience of the Commission in dealing with the financial problems of the nine hundred fifty-eight corporations under its jurisdiction. The desirability of securities of this character as investments has undoubtedly been enhanced by the knowledge in the minds of the investors that the accounts of the corporations are subjected to constant review and supervision by this Commission. One of the principal branches of this work consists of the allocation of the reported investment of the various corporations to the various facilities which are devoted to their uses and to the communities which they serve. Work of this character already done and now under way involves the allocation of investment in over one-half of the electric railway mileage in the State, and in gas and electric properties in all of the larger and many of the smaller communities.

A decided tendency toward the bringing together of small and heretofore isolated electric plants by transmission lines is indicated by the character of the petitions filed for authority to issue securities during the past year. This coördination is conducive to a better operating condition for the corporations and brings with it better and more adequate service to the consuming public.

As a result of the favorable market during the past year for securities of steam and street railroad, electrical, gas, and telephone corporations, there has been a marked increase in the number of applications for authority to issue capital securities received by the Commission during this period. One hundred and sixteen applications of this character were received, as compared with ninety-four during the preceding year. The character of these 116 applications differed substantially from that of those of the past few years, in that in many instances this year's applications asked for authority to fund capital expenditures made during the past few lean years which had been temporarily covered by short term obligations, and also provided for the financial needs for several years to come, whereas very many of the applications received in the past few years provided only for current needs. During the year 105 applications for authority, under the capitalization provisions of the Public Service Commissions Law, were disposed of. In passing upon 43 of these

cases actual inventories and cost appraisals of the properties involved were made and used. In this work the forces of other divisions of the Commission, including the divisions of light, heat, and power; telegraphs and telephones, and transportation, were availed of, to the advantage of the petitioning corporations and the Commission.

The following is a statement of the number of applications filed for authority to issue securities under the Public Service Commissions Law:

1907 (six months).....	40
1908.....	81
1909.....	97
1910.....	100
1911.....	138
1912.....	111
1913.....	126
1914.....	94
1915.....	94
1916 (December 1).....	116

The personnel of the division has remained unchanged except for the loss by resignation of several experienced examiners.

Phases of Capitalization: Allocation of Fixed Capital: In last year's report it was shown that to the effective date of the accounting orders of the Commission, practically all of the public service corporations had but one principal plant account to represent the investment in the business. With capital accounts of this character the corporations do not know the original cost of their investment devoted to the different classes of their service, or to the different localities served; nor are they in a position to determine the costs or the profits of their different operations or operating divisions. Another very important disadvantage is that the lack of knowledge of the costs of the various elements of the property makes it practically impossible for the corporations to estimate with any degree of accuracy the amount of the annual depreciation or amortization which is required, for unless the investment which should be amortized during the life of a unit of property is known, it is almost impossible to determine the annual reservations from income which should be made with respect to such property. Furthermore, the corporations are required by the accounting orders of the Commission to credit their fixed capi-

tal accounts in which the former plant accounts are now incorporated with the cost of property retired. This means that unless the cost of a unit is estimated (which practice is never satisfactory), an analysis will have to be made of the charges to fixed capital during the period in which it is thought the property which is to be retired was purchased. Very often the property to be retired was bettered after having been in service several years, and it therefore becomes necessary to inquire further into the fixed capital account in order to determine the value at which the property is carried in that account. Last year this division reported that in order to correct this unsatisfactory condition in their accounts, many corporations were analyzing their entire plant account, in order to learn their investment in the different classes of property and also in the different localities. These analyses automatically eliminate from the investment account amounts which represent property which has gone out of service, and indicate other amounts which are not properly representative of investment in the property devoted to the activities of the corporation. Usually the results of the inquiry into the plant account are brought into agreement with a physical inventory of the property in service. In effect, these inquiries amount to a retro-active application of the Commission's accounting orders to the earlier corporate life of the properties involved. Work of this character is now being actively progressed under the direction of this division by corporations owning and operating 1090 miles of track, one-third of the electric railway mileage in the State, the fixed capital being analyzed, verified, and distributed by these corporations, amounting on June 30, 1916, to about \$82,000,000. In previous years electric railroad corporations operating 631.33 miles of track, which represented a reported fixed capital of approximately \$51,000,000, completed such work; and in accounting for the subsequent changes in their property in the manner prescribed by the Commission's Uniform System of Accounts, have continued the maintenance of a correct record of their investment in the various classes of facilities and in the communities served. The electric railroad corporations which now have under way such an allocation of their fixed capital, together

with the amount of their reported fixed capital on June 30, 1916, are as follows:

Name of corporation	Mileage in New York June 30, 1916 (all tracks)	Reported fixed capital June 30, 1916
Black River Traction Co.....	11.90	\$105,000.00
Empire United Railways, Inc.....	249.86	20,386,998.72
New York State Railways.....	594.79	47,990,508.90
Poughkeepsie City and Wappingers Falls Electric Railway.....	18.74	1,439,656.32
Schenectady Railway Co.....	139.86	7,148,725.60
Western New York and Pennsylvania Traction Co.....	75.02	5,235,090.36
Totals.....	1,090.17	\$82,305,979.90

A list of the electric railroad corporations which have heretofore made an allocation of their fixed capital, their mileage on June 30, 1916, and the reported fixed capital on that date, includes the following:

Name of corporation	Mileage in New York June 30, 1916 (all tracks)	Reported fixed capital June 30, 1916
Albany Southern Railroad Co.....	61.17	\$3,018,725.72
Buffalo and Williamsville Electric Railway Co.....	6.65	149,929.74
Elmira and Seneca Lake Traction Co.....	23.51	526,730.15
Elmira Water, Light and Railroad Co.....	29.89	3,014,750.77
Freeport Railroad Co.....	2.92	60,025.66
Geneva, Seneca Falls and Auburn Railroad Co., Inc.....	17.49	660,622.66
International Railway Co.....	374.06	39,671,922.04
Ithaca Traction Corp.....	11.47	1,056,820.00
Orange County Traction Co.....	20.61	1,173,751.25
Otsego and Herkimer Railroad Co.....	83.56	1,890,681.42
Totals.....	631.33	\$51,223,959.41

Allocations of this nature have also been made or are now under way by the electrical corporations and gas corporations serving all of the larger communities in this Second District. For the two first class cities, allocation of the costs of the electric properties has been made or is being made; and for the gas properties, allocation for one of the two cities is now under way, the gas property in the other city being in the hands of a receiver. Of the seven cities of the second class, there has been subjected to analysis and allocation the fixed capital of all the property devoted to gas and electric operations with the exception of the electric property in one community. Of the 47 cities of the third class, the electric and gas fixed capital accounts have been analyzed and allocated in 28. In addition, the corporations furnishing gas and electricity to a large number of the smaller communities in the district have undertaken and satisfactorily completed, under the direction of this division, such an analysis and

allocation of their plant accounts. Practically all of these analyses have their inception with applications by these corporations to the Commission for authority to issue capital stock or mortgage bonds, to merge, consolidate, or sell such properties. As the corporations which have not as yet properly assigned the charges to their plant accounts over the property which they represent come to the Commission for authority to issue capital securities, this very important inquiry into their capital accounts will receive attention.

Cost of Money to Public Service Corporations: That the allocation of the plant accounts of the various corporations and the resultant adjustment of their records in accordance with the analyses made has not, despite fears to the contrary, resulted in any lessening of the value of these securities of these corporations as gauged by their ability to dispose of them to the public, is readily demonstrated. The verified returns to this Commission of corporations which have completed such an allocation show that a general and steady increase in the selling prices of their securities has been realized. The improvement in the market for practically all classes of securities is partly responsible for this, but it is believed that these inquiries by the Commission into the balance sheet accounts of the corporations under its jurisdiction, which have resulted in a verification of their statements of assets and liabilities, have had a beneficial effect upon the salability of the securities of these corporations. This means that the cost to these corporations of money has been lessened, a condition which eventually inures to the benefit of the consuming public.

Another factor which has had its effect upon the improvement in the market for securities of the corporations under the jurisdiction of this Commission has been the benefit which these corporations have had of the long, extensive, and varied experience of the Commission in the problem of corporate financing. When it is remembered that there are about nine hundred corporations under the jurisdiction of the Commission, hundreds of which have during the past ten years brought their financial problems to it, it is natural to expect that the results which have been obtained from the various financial plans promulgated during this time would be valuable not only to the Commission but to the corporations. For instance, time after time corporations have applied

for permission to issue their bonds under mortgages for limited amounts. Frequently the one issue of bonds applied for would result in closing the mortgage under which the bonds were to be issued. Corporations have applied for permission to place second mortgages on their properties, whereas it has been shown that a more satisfactory plan would have been to create a first and refunding mortgage with a provision for retiring the underlying issue or issues which are often insignificant in amount when compared to the ultimate capitalization of the property. The limited amount of bonds which could be secured by mortgages made before these corporations were regulated were required in many instances by the bankers interested in the financing. Mortgages placed upon public utility properties prior to the establishment by the State of commissions to regulate their issue were usually made to secure an amount of bonds representative of the investment in the properties at that time, although occasionally they were drawn to secure an additional amount of bonds which was presently to be issued for improvements. These restrictions were thought to be necessary by the interests which were financing these properties in order to assure the placing of adequate security behind the bonds. Restrictions in the size of mortgages are not now of such moment, due to the fact that the issuance of securities by these corporations must be authorized by regulating commissions, and the financing interests do not now object to corporations making mortgages sufficiently large to provide for their financial needs for a reasonable period of time. In fact, some corporations have placed mortgages upon their property which will secure an amount of bonds limited only by their proper requirements. While the benefits derived in this direction have inured primarily to the corporations and their security-holders, their effect upon the service rendered and the cost of such service to the public are felt.

Coördination of Properties: The character of the applications which gas corporations and electrical corporations have made to the Commission during the past decade for authority to act under the capitalization provisions of the Public Service Commissions Law clearly indicate the nature of their activities during this period. While there has been a great development in hydro-electric plants, and a lesser but still considerable increase

in the number and capacity of steam electric plants, the number of applications before the Commission having to do with the tying together of developed steam and hydraulic properties by means of transmission lines between what had been isolated generating plants of different characters, demonstrates that the predominant field of endeavor during this period has been in the coördinating of electric properties. The incentive actuating this work has been the possibility of bettering the financial conditions of the properties affected, but along with this betterment has come considerable benefit to the communities served. Instead of electric service limited in all important particulars such as quantity, quality, and period of use, the people in communities reached by this phase of the development in the electric business in this State may now secure the use of the output of large and standardized generating stations delivering uninterrupted service.

DIVISION OF STEAM RAILROADS

There has been no change in the organization of the division. For reasons of economy and in order to facilitate the inspectional work, one of the locomotive boiler inspectors has been permanently assigned to the western part of the State. This has enabled an equipment inspector and a boiler inspector to work together at the time of the regular annual inspection of equipment, thereby insuring a more complete inspection than was possible under the former practices. It has also permitted a check on the inspection of equipment, so that if any question arose subsequently, two men are able to report as to the conditions found instead of one as heretofore. The accident statistics which accompany this report (Appendix C) are compiled for the year ended June 30, 1916.

The Wellsville and Buffalo Railroad Corporation discontinued the operation of its railroad November 17, 1916, at midnight.

Inspections of Permanent Way and Operation: The regular annual inspection of each railroad under the jurisdiction of the Commission has been completed, and it is gratifying to report that despite the very serious labor conditions which prevailed throughout the State, the general condition of the railroads has remained satisfactory. It is doubtful if this will obtain much longer, and unless there is some relief we may expect to find an impaired physical condition of roadbed and structures next year.

As indicated in the following table there has been a material reduction in the number of broken rails reported during the year ended June 30, 1916:

	1911-12	1912-13	1913-14	1914-15	1915-16
July.....	88	179	149	122	110
August.....	125	227	94	101	98
September.....	216	167	161	134	47
October.....	278	320	206	199	223
November.....	241	450	245	226	226
December.....	241	363	338	364	247
January.....	1,283	347	390	447	247
February.....	1,124	391	734	350	282
March.....	1,173	384	596	362	451
April.....	511	201	347	188	222
May.....	165	151	147	141	149
June.....	109	117	111	97	123
Totals.....	5,554	3,297	3,518	2,731	2,424

Study of the subject of internal transverse fissures in rails has been continued, and while there have been no serious derailments which were caused by this type of failure, apparently they are even more of a menace to safe operation than heretofore on account of the very great increase in the number which have been found. Reports of this type of failure were first required in December, 1913, and 407 failures were reported to November 1, 1915. On November 22, 1916, 770 failures had been recorded, an increase of 363 within the period indicated. There are appended hereto several tables which have been compiled to give relative information on this subject and which are deemed self-explanatory. In passing it is worth noting that the absence of serious accidents is clearly attributable to the use of automatic signals with track circuits, and to the vigilance of the maintenance of way employees.

The following table shows the rail failures, separated in various ways:

By railroads		By manufacturers		By rail sections		Position in ingot	
Name	Number	Name	Number	Weight rail, lbs.	Number	Rail letter	Number
D., L. & W.....	368	A	399	105	11	A	177
N. Y. C.....	211	B	328	101	50	B	227
D. & H.....	100	C	20	100	227	C	112
L. V.....	52	D	5	91	318	D	74
N. Y., O. & W.....	21	E	13	90	103	E	57
Penna.....	2	F	1	85	20	F	1
Rutland.....	1	G	1	80	36	No letter	122
N. Y., N. H. & H.....	8	H	1	76	4	.....	.....
C. N. E.....	5	.....	2	70	1	.....	.....
N. C.....	1	.....	.....	.....	.....	.....	.....
Erie.....	1	.....	.....	.....	.....	.....	.....
Totals.....	770	.....	770	.....	770	.....	770

The following table shows the number of failures by month and year:

Month	1913	1914	1915	1916	Total
January.....		13	23	26	62
February.....		13	11	20	44
March.....		12	35	22	69
April.....		12	19	25	56
May.....		12	22	26	60
June.....		11	17	34	62
July.....		12	14	18	44
August.....		5	20	31	56
September.....		5	38	51	94
October.....		16	32	31	79
November.....		35	38	3*	76
December.....	4	26	38	.....	68
Totals.....	4	172	307	287	770

* Not complete.

The following table shows the number of rails broken by transverse fissures, by year of rolling:

Year	No.	Year	No.
1915.....	1	1905.....	2
1914.....	16	1902.....	1
1913.....	44	1901.....	3
1912.....	56	1899.....	1
1911.....	248	1898.....	3
1910.....	248	1897.....	6
1909.....	108	1896.....	1
1908.....	22	1892.....	1
1907.....	1	1890.....	1
1906.....	2	No date.....	5
Total.....	746	Total.....	24
			770
Rails broken on curves.....	341	Rails broken over ties.....	281
Rails broken on tangents.....	429	Rails broken between ties.....	489
Total.....	770	Total.....	770

No material changes have been made in the signaling systems excepting that manual blocking has been extended on the Long Island railroad to all sections where it is necessary.

Inspections of Locomotive Equipment: Complete inspections have been made of the equipment of all the railroads operating within the State, and for the first time a simultaneous inspection of the boiler and the remainder of the locomotive and tender has been made. The reports therefore can be said to give a reasonable indication of the condition of the motive power and also the rolling stock where such inspections have been made. It is the opinion of the inspectors that the equipment used within

this State is generally in a very satisfactory condition. Several local situations were observed where the standard of maintenance was low, but in response to recommendations made all of these are being rapidly remedied.

A series of tables are given herewith which show the results of the inspections made:

Railroads Inspected

Class A Railroads:

Boston and Albany
Boston and Maine
Buffalo, Rochester and Pittsburgh
Delaware and Hudson
Delaware, Lackawanna and Western
Erie
Lehigh Valley

Long Island
New York Central (lines east of Buffalo)
New York Central (Erie division)
New York, New Haven and Hartford
New York, Ontario and Western
Pennsylvania
Rutland

Class B Railroads:

Buffalo and Susquehanna
Central New England
Lehigh and Hudson River

New York, Chicago and St. Louis
Pittsburg, Shawmut and Northern
Ulster and Delaware

Class C Railroads:

Adirondaok and St. Lawrence
Bath and Hammondsport
Buffalo, Attica and Arcade
Buffalo Creek
Carthage and Copenhagen
Catskill Mountain
Catskill and Tannersville
Central New York Southern
Dansville and Mount Morris
Delaware and Northern
Dexter and Northern
Dolgeville branch N. Y. C.
Fonda, Johnstown and Gloversville
Genesee and Wyoming
Glenfield and Western
Grand Trunk
Grasse River
Greenwich and Johnsonville
Kanona and Prattsburgh
Keeseville, Ausable Chasm and Lake Champlain
Lake Champlain and Moriah

Lehigh and New England
Lowville and Beaver River
Marcellus and Otisco Lake
Marion River Carry
Michigan Central
Middleburgh & Schoharie
Middletown and Unionville
Newark and Marion
Newton Falls and Northern
New York and Pennsylvania
Norwood and St. Lawrence
Ottawa division N. Y. C.
Owasco River
Pere Marquette
Schoharie Valley
Skaneateles
South Buffalo
Sterling Mountain
Unadilla Valley
Valley branch, Erie Div., N. Y. C.
Wabash
Wellsville and Buffalo ¹

¹ Discontinued operation November 17, 1916.

Locomotives Assigned to Service in State

Nature	1916		1915		1914		1913	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Locomotives assigned to service in State on railroads on which general inspection was made.....	5,660	100	6,024	100	6,011	100	6,698	100
Locomotives assigned to service in State inspected....	3,626	64.0	4,027	66.9	3,885	64.7	3,667	54.7

Defects Observed

Item		Class A railroads	Class B railroads	Class C railroads	Totals
Number of locomotives operated .....	.....	5,024	365	271	5,660
Locomotives inspected.....	No. %	3,160 62.9	253 69.3	213 78.6	3,626 64.0
<i>Nature of defects</i>		<i>Number and percentage of defects</i>			
Air-brake equipment defective.....	No. %	87 2.8	27 10.7	20 9.4	134 3.7
Draft gear defective.....	No. %	4 0.1	0 0	3 1.4	7 0.2
Driving gear defective ¹	No. %	172 5.5	24 9.5	8 3.8	204 5.6
Driving wheels defective.....	No. %	67 2.1	7 2.8	11 5.2	85 2.4
Engine truck or trailer wheels defective.....	No. %	16 0.5	5 2.0	6 2.8	27 0.7
Tender, tender trucks, or wheels defective...	No. %	43 1.4	23 9.1	10 4.7	76 2.1
Metallic packing leaking.....	No. %	26 0.8	8 3.2	5 2.4	39 1.1
Running gear defective ²	No. %	127 4.0	13 5.1	11 5.2	151 4.2
Safety appliances defective.....	No. %	152 4.8	19 7.5	20 9.4	191 5.3
Headlights defective.....	No. %	52 1.7	19 7.5	7 3.3	78 2.2
Signal lights defective.....	No. %	3 0.1	0 0	0 0	3 0.1
Arch-tubes defective or leaking.....	No. %	3 0.1	0 0	0 0	3 0.1
Ash-pans or smoke arch defective.....	No. %	161 5.1	14 5.5	15 7.1	190 5.3
Barrel cracked or defective.....	No. %	0 0	0 0	1 0.5	1 0.1
Barrel leaking.....	No. %	31 1.0	6 2.4	1 0.5	38 1.1
Boiler mountings inside of cabs leaking or defective ³	No. %	51 1.6	11 4.4	5 2.3	67 1.8
Boiler mountings outside of cabs leaking or defective ⁴	No. %	220 7.0	31 12.3	28 13.2	279 7.7
Dome cracked.....	No. %	0 0	0 0	0 0	0 0
Dome leaking.....	No. %	32 1.0	5 2.0	1 0.5	38 1.1
Flues or firebox sheets leaking or defective..	No. %	128 4.0	22 8.7	24 11.3	174 4.8
Flues plugged.....	No. %	0 0	0 0	0 0	0 0

¹ This defect covers crossheads, guides, piston and piston rods, main and side rods.² This defect covers crank pins, driving boxes, driving box shoes and wedges, frames, lateral motion, motion work, pilots, and spring rigging.³ This defect covers injector connections in cab, squirt-hose connections, steam gauge and fittings, steam pipes and valves in cab, etc.⁴ This defect covers blow-off cock, boiler checks, cylinder leaks, plugs leaking, steam valves outside of cab, and washout plugs, etc.

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Defects Observed (concluded)

Item		Class A railroads	Class B railroads	Class C railroads	Totals
Nature of defects	Number and percentage of defects				
Foundation rings leaking.....	No. %	99 3.1	15 5.9	18 8.5	132 3.7
Gauge-cocks leaking or defective.....	No. %	80 2.5	8 3.2	6 2.8	94 2.7
Injectors inoperative or defective.....	No. %	1 0.1	0 0	0 0	1 0.1
Lubricator shields missing or defective.....	No. %	3 0.1	1 0.4	1 0.5	5 0.1
Staybolts broken.....	No. %	54 1.7	14 5.5	16 7.5	84 2.3
Telltale holes plugged or hammered over....	No. %	23 0.7	0 0	8 3.8	31 0.9
Throat or side sheets (outside) defective....	No. %	45 1.4	6 2.4	6 2.8	57 1.6
Water-glass or water-glass shield missing or defective.....	No. %	25 0.8	6 2.4	2 0.9	33 0.9

Passenger Cars Inspected

Railroad	Number of cars operated in New York State	Number of cars inspected
Adirondack and St. Lawrence.....	2	2
Bath and Hammondsport.....	2	2
Buffalo and Susquehanna.....	11	9
Buffalo, Attica and Arcade.....	1	1
Carthage and Copenhagen.....	2	1
Central New England.....	42	19
Central New York Southern.....	7	7
Catskill Mountain.....	16	14
Catskill and Tannersville.....	3	3
Dansville and Mount Morris.....	2	2
Delaware and Northern.....	7	7
Dexter and Northern.....	1	1
Dolgeville branch N. Y. C.....	5	5
Fonda, Johnstown and Gloversville.....	23	23
Genesee and Wyoming.....	1	1
Glenfield and Western.....	2	1
Greenwich and Johnsonville.....	5	5
Kanona and Prattsburgh.....	1	1
Keeseville, Ausable Chasm and Lake Champlain.....	1	1
Lake Champlain and Moriah.....	3	2
Lehigh and Hudson River.....	12	12
Lowville and Beaver River.....	4	3
Marcellus and Otisco Lake.....	2	2
Marion River Carry.....	4	4
Middleburgh & Schoharie.....	1	1
Middletown and Unionville.....	3	3
Newark and Marion.....	1	1
Ottawa division N. Y. C.....	11	10
New York and Pennsylvania.....	3	3
Norwood and St. Lawrence.....	3	3
Pittsburg, Shawmut and Northern.....	19	11
Schoharie Valley.....	1	1
Skaneateles.....	2	2
Sterling Mountain.....	1	1
Ulster and Delaware.....	40	17
Unadilla Valley.....	3	3
Valley branch N. Y. C.....	9	7
Wellsville and Buffalo.....	11	7
Totals.....	267	198

Comparative Table of Passenger Cars Inspected

Item	1916		1915		1914		1913	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Number of railroads on which inspection of passenger cars was made.....	38	63.3	38	63.3	42	64.6	38	60.8
Passenger cars assigned to service in New York state on railroads on which general inspection was made..	267	100	269	100	298	100	275	100
Passenger cars assigned to service in State inspected..	198	74.1	171	63.6	183	61.4	189	68.8

Defects Found in Passenger Cars

Nature of defects	Number of defects
<i>Exterior:</i>	
Safety appliances defective.....	9
Brakes defective.....	5
Trucks defective.....	10
Sills defective.....	0
Draft rigging defective.....	4
Platforms and steps defective.....	4
Paint poor.....	16
Not clean nor sanitary.....	7
<i>Interior:</i>	
Not properly equipped with emergency tools.....	2
Water tanks defective or unsanitary.....	1
Lavatory unsanitary.....	2
Stoves defective.....	3
Oil lamps defective.....	0
Seats defective.....	0
Paint poor.....	7
Not clean nor sanitary.....	7

Another year has passed without any fires within the Adirondack Forest Preserve which can be attributed to locomotives. The railroads were permitted to discontinue the use of oil-burning locomotives a few days before November 1st on account of the wet weather which prevailed at that time. The following table shows the results of inspections of ash-pans and spark arresters:

Railroad	Number inspected			Number in bad condition			Number in good condition		
	1916	1915	1914	1916	1915	1914	1916	1915	1914
Brooklyn Cooperage Co.....	4	4	4	0	0	2	4	4	2
Delaware and Hudson.....	11	12	14	3	0	2	8	12	12
Grasse River.....	2	0	0	1	0	0	1	0	0
Marion River Carry.....	1	1	1	0	0	0	1	1	1
New York Central.....	72	89	95	7	2	17	65	87	78
Ottawa division N. Y. C.....	14	11	11	6	2	5	8	9	6
Wanakena Co.....	1	2	2	1	1	0	0	1	2
Totals.....	105	119	127	18	5	26	87	114	101

The New York Central Railroad Company operated 29 oil-burning locomotives, distributed as follows: Adirondack division (Mohawk and Malone), 22; St. Lawrence division (Carthage

and Adirondack), 4; Ottawa division, 1; Raquette Lake Railway 2. The Delaware and Hudson Company operated 9 oil-burning locomotives.

Reports of engine failures have been received during the year, and the following is a summary of the principal causes of failures and a comparison of the results obtained on the principal railroads:

Cause of failure	Per cent of failures caused			
	1916	1915	1914	1913
Hot bearings.....	13.5	14.2	12.6	10.0
Low steam.....	15.0	13.2	16.5	18.6
Steam leaks.....	15.2	17.0	13.2	15.2
Broken machinery.....	24.0	26.2	24.6	24.2
Miscellaneous, such as loose nuts, bolts, tires, wheels, burst air-hose, etc.....	32.3	29.4	33.1	32.0

The following table shows a comparison of engine failure reports for the larger railroads for the years 1913, 1914, 1915, and 1916:

Railroad	Year ended October 31, 1913				Year ended October 31, 1914			
	Passenger		All classes		Passenger		All classes	
	Number of failures	Miles per failure	Number of failures	Miles per failure	Number of failures	Miles per failure	Number of failures	Miles per failure
.....	35	17,757	180	10,020	51	11,227	157	9,724
.....	136	2,968	322	5,114	55	5,511	254	5,498
Pittsburgh.....	160	4,448	428	7,810	147	4,674	369	7,902
.....	1,120	2,428	2,225	4,807	1,579	1,700	3,308	3,186
and Western.....	209	11,361	599	13,476	166	14,061	375	21,232
.....	503	9,399	1,254	11,261	393	11,138	1,072	12,863
.....	293	7,590	693	11,736	362	6,082	904	8,689
.....	292	9,118	383	12,246	256	8,722	321	12,898
.....	2,390	9,757	4,039	14,147	1,230	17,014	2,106	23,402
New York, New Haven and Hartford.....	11	11,774	256	4,002	0	15,260	91	4,932
New York, Ontario and Western.....	261	8,261	478	12,608	260	7,833	486	10,767
Pennsylvania.....	224	4,881	719	8,190	250	5,444	744	7,552
Rutland.....	73	5,840	206	5,246	132	3,227	253	3,841
Boston and Albany.....	52	10,091	140	11,597	117	4,878	329	5,824
Boston and Maine.....	48	8,554	141	7,380	50	8,751	167	8,015
Buffalo, Rochester and Pittsburgh.....	93	7,196	222	12,380	142	4,730	296	8,155
.....	344	6,847	1,081	7,961	612	4,268	1,583	6,597
and Western.....	134	16,308	308	25,718	154	13,757	878	22,801
.....	268	16,228	691	19,207	492	8,806	1,064	9,092
.....	374	6,023	1,302	6,284	462	5,373	1,038	8,237
Long Island.....	147	14,449	194	21,612	200	11,086	259	18,007
New York Central.....	707	26,897	1,252	37,351	892	22,861	1,742	32,789
New York, New Haven and Hartford.....	0	18,236	78	2,894	4	6,409	63	3,775
New York, Ontario and Western.....	198	9,867	405	12,834	238	8,468	688	7,093
Pennsylvania.....	172	6,993	613	8,630	279	4,887	1,020	6,720
Rutland.....	73	5,793	136	6,441	77	5,639	131	7,066

Locomotive Boiler Inspections: In compliance with the statute, the filing of specification cards, certificates, etc., has been continued, and information compiled therefrom is given herewith. The results of inspections made have been tabulated with the results of equipment inspections already given.

Total number of locomotive boilers reported and their distribution according to companies are shown as follows:

New York Central.....	3,015
Erie.....	1,494
Pennsylvania and Northern Central.....	808
Delaware, Lackawanna and Western.....	715
New York, New Haven and Hartford.....	604
Lehigh Valley.....	548
Delaware and Hudson.....	487
Buffalo, Rochester and Pittsburgh.....	317
Boston and Maine.....	299
Grand Trunk.....	259
Boston and Albany.....	232
New York, Ontario and Western.....	210
Long Island.....	180
New York, Chicago and St. Louis.....	161
Michigan Central.....	154
Rutland.....	89
Central New England.....	82
Buffalo and Susquehanna.....	62
Pittsburg, Shawmut and Northern.....	49
Lehigh and Hudson River.....	48
Canadian Pacific.....	45
Wabash.....	43
Lehigh and New England.....	40
Pere Marquette.....	35
South Buffalo.....	30
Ulster and Delaware.....	29
Central Vermont.....	25
Buffalo Creek.....	23
Toronto, Hamilton and Buffalo.....	21
Walsh Construction Co.....	20
Wellsville and Buffalo.....	12
Solvay Process Co.....	9
American Locomotive Co.....	7
Fonda, Johnstown and Gloversville.....	7
Lake Champlain and Moriah.....	7
Delaware and Northern.....	6
Lathrop & Shea.....	6
Catskill Mountain.....	5
Genesee and Wyoming.....	5
Wickwire Steel Co.....	5
Total for above companies.....	10,192
48 other companies operating less than five locomotives.....	103
Grand total December 1, 1916.....	10,295

The following table shows the disposition of boilers reported during the past year:

Number of boilers reported for service December 1, 1915.....	9,940
Number of boilers scrapped or sold during year.....	406
Number of boilers permanently withdrawn from New York state during year....	100
	<hr/> 506
Difference.....	9,434
Specification cards filed during year.....	861
	<hr/>
Number of boilers reported for service December 1, 1916.....	10,295

The total number of alteration reports and re-filed specification cards received during past year are as follows:

Number of specification cards re-filed during year.....	111
Number of alteration reports filed during year.....	1,494
	<hr/> 1,605

The number of locomotive boilers reported and average ages are as follows:

Railroad	Number of locomotive boilers reported for service	Average age
Boston and Albany.....	232	9.96
Boston and Maine.....	299	8.77
Buffalo, Rochester and Pittsburgh.....	317	11.96
Buffalo and Susquehanna.....	62	7.46
Central New England.....	82	12.31
Delaware and Hudson.....	487	13.19
Delaware, Lackawanna and Western.....	715	12.46
Erie.....	1,494	14.69
Grand Trunk.....	259	14.56
Lehigh Valley.....	548	9.62
Long Island.....	180	16.62
Michigan Central.....	154	12.74
New York Central.....	3,015	9.54
New York, Chicago and St. Louis.....	161	10.70
New York, New Haven and Hartford.....	604	12.24
New York, Ontario and Western.....	210	12.70
Pennsylvania.....	808	11.78
Rutland.....	89	15.38
	<hr/> 9,716	<hr/> 11.66

In addition to the above, there were 70 railroad and manufacturing companies operating less than 50 locomotives each who reported 579 locomotive boilers in service of an average age of 12.95 years, making a total of all railroad and manufacturing companies in the State reporting 10,295 locomotive boilers of an average age of 11.73 years.

December 1, 1915, there were 9940 locomotive boilers reported for service in this State, the average age of which was 12.47 years.

The distribution of boilers according to their ages is as follows:

	Dec. 1, 1913	Dec. 1, 1914	Dec. 1, 1915	Dec. 1, 1916
Number of boilers reported under 10 years of age...	5,475	4,709	3,970	3,617
Number of boilers reported 10 years and under 20 years.....	3,797	4,344	4,843	5,559
Number of boilers reported 20 years and under 30 years.....	1,145	953	996	980
Number of boilers reported 30 years and under 40 years.....	167	123	131	138
Number of boilers reported 40 years and over....	1	1	.....	1
Totals.....	10,585	10,130	9,940	10,295

The number of locomotive boilers built during the past three years is shown as follows:

Company	1916	1915	1914
American Car and Foundry Co.....	1	0	0
Boston and Albany.....	6	5	0
Buffalo Creek.....	3	0	3
Buffalo, Rochester and Pittsburgh.....	11	10	17
Central New England.....	3	0	0
Delaware and Hudson.....	1	0	25
Delaware, Lackawanna and Western.....	17	5	22
Erie.....	64	8	19
Genesee and Wyoming.....	0	1	0
Grand Trunk.....	0	0	3
Lake Champlain and Moriah.....	1	0	0
Lehigh and Hudson River.....	4	0	0
Lehigh and New England.....	0	0	3
Lehigh Valley.....	57	96	20
New York Central.....	136	61	53
New York, Chicago and St. Louis.....	10	0	0
New York, New Haven and Hartford.....	78	0	0
New York, Ontario and Western.....	0	12	0
Pennsylvania.....	16	8	6
Pittsburg, Shawmut and Northern.....	0	0	1
Porter Bros.....	1	0	0
Rogers Brown Iron Co.....	1	0	0
Schoharie Valley.....	0	1	0
Skaneateles.....	0	1	1
Solvay Process Co.....	2	0	0
Union Carbide Co.....	1	0	0
	413	208	173

Train Service: The extensive freight business which is now being handled, combined with a desire on the part of some of the corporations to reduce passenger service, has resulted in many complaints on this subject. Many of these have been amicably settled through informal proceedings, but in some cases hearings and formal action by the Commission have been necessary. Periodic checks of train performances have been made, and not infrequently they have revealed conditions which should have been overcome by the corporations acting on their initiative. The following tables are a resumé of the data on the subject of train movements filed monthly by the corporations:

Monthly Comparison of Passenger Train Movements

Month	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
1915				
July.....	74,339	8,672	89	2.6
August.....	73,533	9,040	88	2.9
September.....	69,097	10,943	84	3.4
October.....	67,813	8,559	87	2.5
November.....	65,235	8,495	87	2.8
December.....	66,859	17,835	73.3	10.1
1916				
January.....	66,413	12,415	81.3	4.6
February.....	62,604	13,118	79.2	5.9
March.....	67,111	17,302	74.2	9.0
April.....	64,373	11,004	82.9	3.8
May.....	68,368	10,157	85.1	3.4
June.....	67,520	11,538	83.0	3.9

Principal Causes of Passenger Train Delays

Nature of delay	Per cent of delay caused			
	1913	1914	1915	1916
Engine failures.....	4.5	4.6	4.9	3.2
Failures of other equipment.....	2.1	2.0	2.3	1.8
Wrecks.....	4.8	3.6	4.0	3.3
Unfavorable conditions of tracks.....	3.9	3.1	2.5	3.4
Waiting for trains from other divisions.....	37.7	34.9	32.4	34.4
Waiting for trains from other railroads.....	16.3	15.3	14.5	11.5
Meeting and passing trains.....	5.0	5.0	5.5	5.7
Signals.....	1.3	1.3	1.2	1.2
Trains ahead.....	7.2	6.5	6.2	7.0
Waiting for orders.....	0.3	0.2	0.2	0.2
Train work at stations.....	11.2	13.1	18.9	21.1
Weather conditions.....	1.1	5.3	2.1	3.7
All other causes.....	4.6	5.1	5.3	3.5

Passenger Train Movements

Railroad	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
Beth and Hammondsport.....	2,943	465	84.2	4.0
Boston and Albany.....	12,808	2,577	79.9	6.6
Boston and Maine.....	14,838	5,116	65.5	8.7
Buffalo and Susquehanna.....	1,978	332	83.2	5.9
Buffalo, Attica and Arcade.....	1,413	323	77.2	27.1
Buffalo, Rochester and Pittsburgh.....	13,539	2,922	78.4	4.9
Central New England.....	8,453	3,323	60.8	12.8
Dansville and Mount Morris.....	1,814	87	95.0	1.1
Delaware and Hudson.....	58,881	7,515	87.2	3.3
Delaware, Lackawanna and Western.....	18,376	3,124	83.0	4.2
Delaware and Northern.....	1,893	226	88.1	3.3
Erie.....	79,852	15,798	80.2	6.1
Fonda, Johnstown and Gloversville.....	3,892	826	78.8	5.1
Genesee and Wyoming.....	614	108	82.4	5.8
Greenwich and Johnsonville.....	3,134	887	71.7	4.9
Lehigh and Hudson River.....	2,881	854	70.4	5.8
Lehigh and New England.....	312	107	65.8	8.3
Lehigh Valley.....	31,657	8,706	72.5	7.6
Long Island.....	37,664	7,665	79.7	3.0
Lowville and Beaver River.....	2,250	691	69.3	6.2
Michigan Central.....	13,047	4,817	63.1	7.2
Middletown and Unionville.....	2,798	1,726	38.3	18.1
New York Central (lines east of Buffalo).....	290,095	43,712	84.9	4.0
New York Central (lines west of Buffalo).....	12,471	5,599	55.1	13.2
New York, Chicago and St. Louis.....	2,193	922	58.0	13.8
New York, New Haven and Hartford.....	59,013	8,530	85.5	3.9
New York, Ontario and Western.....	22,013	4,841	78.1	5.2

Passenger Train Movements (concluded)

Railroad	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
New York and Pennsylvania.....	1,204	198	83.6	7.5
New York, Westchester and Boston.....	77,151	970	98.7	0.1
Norwood and St. Lawrence.....	2,722	291	89.3	2.2
Pennsylvania.....	14,692	2,469	83.2	5.7
Pittsburg, Shawmut and Northern.....	4,543	1,083	76.2	5.8
Rutland.....	4,393	1,115	74.6	8.0
Schoharie Valley.....	1,866	112	94.0	2.7
Ulster and Delaware.....	4,010	705	82.4	4.2
Unadilla Valley.....	1,444	114	92.1	2.0
Wellsville and Buffalo.....	852	222	74.0	5.1

Accidents: Herewith is presented a table showing the number of accidents reported which are directly attributed to the operation of a railroad. It does not include any of the so called industrial accidents such as occur in shops, roundhouses, repair yards, etc.

	1913-14	1914-15	1915-16
Number of accidents.....	6,249	4,988	5,323
Passengers killed.....	14	9	13
Passengers injured.....	956	833	528
Employees killed.....	197	142	160
Employees injured.....	3,031	2,144	2,468
Trespassers killed.....	344	333	375
Trespassers injured.....	353	382	284
Non-trespassers killed.....	143	103	120
Non-trespassers injured.....	666	506	304
Total number killed.....	698	587	668
Total number injured.....	5,006	3,865	3,584

It will be at once observed that the decrease in accidents noted last year has not been continued except in the casualties resulting in injuries only. Unfortunately, the number of accidents has increased about 7 per cent, a condition which may in part be attributed to the enormous volume of freight business. Increases are noted in all classes of accidents except in the case of injuries to persons while on the tracks or adjacent thereto either from contact with trains or from other causes. In this case the reduction has been from 1610 to 1221, a greater reduction than that recorded in the preceding year. Appendix C gives a complete classification of the accidents as to cause, and the following is submitted for comparative purposes:

	1914-15	1915-16
Accidents occurring while on trains, not resulting from an accident to the train.....	2,236	2,393
Accidents occurring while on tracks or adjacent thereto, either from contact with trains or from other causes.....	1,610	1,221
Derailments of passenger trains.....	82	113
Derailments of freight trains.....	732	1,059
Butting collisions between passenger trains and freight trains.....	1	4
Butting collisions between freight trains.....	14	45
Rear-end collisions between passenger trains.....	4	6
Rear-end collisions between passenger trains and freight trains.....	4	13
Rear-end collisions between freight trains.....	56	109
Side collisions between passenger trains.....	1	1
Side collisions between passenger trains and freight trains.....	4	7
Side collisions between freight trains.....	56	92

The number of accidents at grade crossings show an increase except in the case of unprotected crossings. This appears to be somewhat of an anomaly, and as will appear in the compila-

tions which follow can not be definitely attributed to automobiles. The probability is that it is a result of the fact that crossings carrying the densest traffic have some sort of protection, and because of this dense traffic more accidents occur. The figures are interesting, and serve to indicate that even more effort should be made to cause travelers on the highway to exercise care when approaching a railroad.

	Pedestrians		Vehicles	
	1914-15	1915-16	1914-15	1915-16
Unprotected crossings.....	24	23	109	105
Protected by bells.....	8	7	20	36
Protected by flagmen.....	18	22	30	30
Protected by gates.....	21	25	19	27
Totals.....	71	77	178	198
Unprotected crossings.....	24	23	109	105
Protected crossings.....	47	54	69	93

	Pedestrians				Vehicles			
	1914-15		1915-16		1914-15		1915-16	
	K.	I.	K.	I.	K.	I.	K.	I.
Unprotected crossings.....	14	12	13	12	34	100	42	75
Protected by bells.....	6	3	8	4	13	21	18	23
Protected by flagmen.....	6	12	10	15	4	24	1	33
Protected by gates.....	10	13	16	12	4	8	3	13
Totals.....	36	40	42	43	55	153	64	144
Unprotected crossings.....	14	12	13	12	34	100	42	75
Protected crossings.....	22	28	29	31	21	53	22	69
Total killed.....					1914-15		1915-16	
Total injured.....					91		106	
					193		187	

Accidents to vehicles at grade crossings								
	1914-15				1915-16			
	Auto-mobiles		Other vehicles		Auto-mobiles		Other vehicles	
Unprotected crossings.....	46		63		37		68	
Protected by bells.....	12		8		15		21	
Protected by flagmen.....	16		14		17		13	
Protected by gates.....	11		8		9		18	
Totals.....	85		93		78		120	
Unprotected crossings.....	46		63		37		68	
Protected crossings.....	39		30		41		52	
	K.	I.	K.	I.	K.	I.	K.	I.
Unprotected crossings.....	12	55	22	45	20	27	22	48
Protected by bells.....	11	13	2	8	7	14	11	9
Protected by flagmen.....	2	9	2	15	—	26	1	7
Protected by gates.....	3	3	1	5	2	5	1	8
Totals.....	28	80	27	73	29	72	35	72
Unprotected crossings.....	12	55	22	45	20	27	22	48
Protected crossings.....	16	25	5	28	9	45	13	24

Attention is directed to the appendix above referred to for specific information with respect to the cause of the accidents. While many of the accidents are the result of failures on the part of equipment, there are too many resulting from man failures. Wherever it has been deemed desirable, and in some cases when possible, investigations have been made. Unfortunately, the pressure of other work and the lack of an inspector who can devote his entire time to the work has limited the number of investigations. Those which have been made have been chosen especially because the preliminary reports indicated that there was some element of operation or construction which was weak and could be improved. No doubt many of the other accidents would have revealed such conditions after close study. The employment of an inspector properly qualified for this work who would devote his entire time to it would be a valuable addition.

A number of appraisals of property have been made during the year in conjunction with capitalization matters, and this work continues to occupy much of the time of the inspectional force.

DIVISION OF ELECTRIC RAILROADS

There are at present 73 electric railroad corporations operating in this Public Service District. During the past year one, the St. Lawrence International Electric Railroad and Land Company, discontinued operations. May 2, 1916, approval was given the Otsego and Herkimer Railroad Company to change its corporate name to that of Southern New York Power and Railway Corporation.

Inspections: Since the last annual report the following electric railroads have been inspected in detail and reports on such inspections submitted:

Albany Southern
Corning and Painted Post Street
Auburn and Syracuse Electric
Batavia Traction
Black River Tr.
Buffalo and Depew
Buffalo and Lake Erie Tr.
Buffalo, Lockport and Rochester
Buffalo Southern
Buffalo and Williamsville Electric
Cortland County Tr.

Elmira and Seneca Lake Tr.
Elmira, Corning and Waverly
Fonda, Johnstown and Gloversville (El. Div.)
Hudson Valley Railway
International Railway
Lewiston and Youngstown Frontier
Rochester & Manitou
Niagara Gorge Railroad
Southern New York Power and Railway Corp.
Waverly, Sayre and Athens Tr.

While riding over roads in the investigation of accidents and complaints and in the performance of other duties, observations

are made of conditions of track, roadbed, and equipment, which in most cases is of sufficient extent to determine matters affecting safety of operation. While no detailed report has been made on their condition, roads which during the past year were observed in this manner are as follows:

Berkshire Street
Binghamton Railway
Elmira Water, Light and Railroad
Empire United Railways
Huntington Railroad
Ithaca Traction
New York and Long Island Tr.
New York State Railways

New York and Stamford
New York, Westchester and Connecticut Tr.
Orange County Tr.
Schenectady Railway
United Traction
Westchester Electric
Westchester Street

In addition to the inspections made, the electric railroad inspector is in close touch with conditions and betterments on all the electric railroads in this Public Service District. The yearly rate of inspections made during the past two years is sufficient to insure safe physical conditions on all of them.

A proper standard of maintenance of track, roadbed, and structures has been adopted by a number of the electric railroad corporations, and this standard is being generally extended to others. This high standard of maintenance in effect on a number of the roads, and resulting safe operating physical conditions, has not required yearly inspection, but in other cases it has been deemed necessary to make more than one inspection yearly of the same road. During the year, with one exception, there was no derailment on any interurban road due to defective track maintenance and no bridge or structural failures on any electric road.

In nearly all cases the recommendations for improvement in physical conditions resulting from inspections have been complied with by the different corporations. In no such case has it been necessary for the Commission to exercise its authority to compel compliance with recommendations.

Accidents: In the way of prevention of accidents, important results are hoped for as the result of the conference called by this Commission of representatives of automobile clubs and electric railroad corporations to devise means of increasing the safety at grade crossings of highways and electric railroads. The work of this conference was carried on through various sub-committees considering different elements of the subject. All of these sub-

committees have now reported; the executive committee of the conference is preparing a final report, and will in the near future come to the Legislature to ask authority for the steps which it may have determined as best suited to serve the public need for economy as well as for greater safety in handling this problem. The report of this conference will, it is hoped, include recommendations for the standardization of highway signs, railroad and automobile signals, and operation of both motor vehicles and railroad cars at grade crossings; and possibly also the endowment of this Commission with power to compel the elimination of dangerous physical conditions as to view, etc., at and surrounding the grade crossings of electric railroads with highways.

There were 19 collisions of electric cars and automobiles at grade crossings outside cities and villages in this District for the year ended December 31, 1916: 3 persons were killed and 21 injured. The size of the problem to be solved is indicated by a table herewith printed showing a total number of 893 grade crossings of electric railroads with highways outside of cities and villages in this State.

<i>Name of corporation</i>	<i>Number of grade crossings</i>
New York State Railways.....	151
Empire United Railways.....	91
Hudson Valley.....	78
Buffalo, Lockport and Rochester.....	43
Buffalo and Lake Erie Tr.....	42
Albany Southern.....	42
Buffalo Southern.....	40
Southern New York Power and Railway Corp.....	38
International Railway.....	36
Western New York and Pennsylvania Tr.....	33
Schenectady Railway.....	28
Auburn and Syracuse Electric.....	27
Fonda, Johnstown & Gloversville (El. Div.).....	20
Jamestown, Westfield and Northwestern.....	16
Syracuse and Suburban.....	14
Babylon Railroad.....	12
Westchester Street.....	12
Syracuse and South Bay Electric.....	12
Elmira, Corning and Waverly.....	11
Eastern New York.....	10
Geneva, Seneca Falls and Auburn.....	10
Buffalo and Williamsville Electric.....	9
Troy and New England.....	9
Cortland County Tr.....	8
Elmira and Seneca Lake Tr.....	8
New Paltz, Highland and Poughkeepsie Tr.....	8
Syracuse, Watertown and St. Lawrence River.....	7
Berkshire Street.....	8
Chautauqua Traction.....	6

<i>Name of corporation</i>	<i>Number of grade crossings</i>
New York and Stamford.....	6
Orange County Tr.....	6
Penn Yan and Lake Shore.....	6
Warren and Jamestown Street.....	6
Peekskill Lighting and Railroad.....	5
Suffolk Traction.....	5
Adirondack Lakes Tr.....	4
Buffalo and Depew.....	4
Putnam and Westchester Tr.....	4
Rochester & Manitou.....	4
Binghamton Railway.....	3
Freeport Railroad.....	3
Hornell Traction.....	2
Huntington Railroad.....	2
Ithaca Traction Corp.....	2
Elmira Water, Light and Railroad.....	1
Plattsburgh Traction.....	1
Total grade crossings.....	893

The following table shows the collisions of electric cars and automobiles at grade crossings outside cities and villages within the State of New York for the year ended December 31, 1916:

Name of corporation	Number collisions	Number killed	Number injured
Buffalo and Lake Erie Tr.....	2	1	2
Buffalo, Lockport and Rochester.....	3	.....	.....
Empire United Railways.....	1	1	1
Fonda, Johnstown and Gloversville.....	2	.....	3
Geneva, Seneca Falls and Auburn.....	1	.....	.....
Huntington Railroad.....	1	.....	1
International Railway.....	7	.....	6
New York State Railways:			
Rochester lines.....	1	1	5
Schenectady Railway.....	1	.....	2
Totals.....	19	* 3	20

* Exclusive of persons killed and injured on electrified divisions of steam roads.

It will be noted that the above statement does not include the collisions of this class which occurred on city systems nor on electrified portions of steam roads. While it shows only three persons killed in this class of accidents, there was a total of 14 killed in such collisions on all roads operated by electricity in this Public Service District.

It is gratifying to state that no passenger was killed while on electric cars either on city or interurban roads during the past year. Nevertheless, 40 persons were killed as the result of operation of city systems: 30 being struck by cars, and 7 deaths resulting from collisions of cars and vehicles; 2 persons were killed boarding cars and alighting from cars. Only 1 person was

killed, an employee, in collisions of electric cars on city roads. These figures would indicate that while the proper standards of operation for safety are being observed by the companies themselves on city lines, there is need for better regulation of traffic in general in each city. It is safe to assume that a large proportion of the thirty people killed by being struck by cars met their deaths through causes over which the electric railroad companies had no control.

On interurban roads, 51 deaths were caused during the year: 40 were struck by cars, 4 in collisions of cars and vehicles, 3 in collisions of electric cars, 3 boarding cars or alighting cars, and 1 by contact with wires. As showing a condition frequently noted in these reports and elsewhere, of the forty people struck and killed by cars, all but one were trespassers on the railroad right of way. Four persons met death at flag stations while waiting for trains or crossing the tracks to board trains. This presents a difficult problem, as the financial limitations of most of the roads preclude the erection of a shelter on both sides of the track at flag stations; and as it is frequently impossible to determine whether an approaching train will or will not stop in response to the signal, the only cure for this condition seems to be in the education of the public not to cross the tracks in front of cars and to stand well clear of all approaching operations. The efforts of the companies to prevent trespassing on their rights of way should be vigorously continued.

There were eighteen collisions of electric cars on interurban railroads and interurban divisions during the past year. During the previous year there were nine such accidents. It will be noted in the attached tables that three of these collisions occurred on one road and five on another. Investigation of operating conditions on these two railroads developed the necessity for improvements in methods, and during the year an entire reorganization of the operating departments and methods employed were made, which it is believed will reduce the number of such occurrences on these roads during the coming year. Deducting the eight collisions which occurred on these two roads from the total, and in view of the increased traffic on all roads during the last months of this year, the safety of operation during this year compares

favorably with the last year's results. If the present indications of increased revenue continue, companies will be enabled to make new installations of block signal systems and extend existing ones which will increase safety and reduce the number of these accidents.

None of the fifteen derailments which occurred on interurban railroads was due to defective track except those which occurred on the Southern New York Power and Railway Corporation's system. Material necessary improvements in track and roadbed have been made during the past year on this system which will reduce the possibility of derailment from that cause.

All of the collisions which occurred on interurban railroads during the past year have been investigated, as well as those occurring on city systems of such a character as to require investigation.

The following table shows the number of persons killed and nature of accidents that occurred on city divisions for the year ended December 31, 1916:

Name of corporation	Collision		Boarding and alighting	Struck by car	Total number killed
	Of cars	Of cars with vehicles			
Binghamton Railway.....	1	.....	.....	.....	1
Elmira, Corning and Waverly.....	1	.....	.....	1
Elmira Water, Light and Railroad.....	1	.....	1
Hornell Traction.....	1	1
International Railway.....	4	1	10	15
Jamestown Street.....	1	1
New York State Railways:					
Rochester lines.....	1	.....	6	7
Syracuse lines.....	3	3
Utica lines.....	3	3
Orange County Tr.....	1	1
Schenectady Railway.....	1	1
United Traction.....	1	.....	3	4
Western New York and Pennsylvania Tr.....	1	1
Totals.....	1	7	2	30	40

The following table shows the number of persons killed and nature of accidents that occurred on interurban divisions for the year ended December 31, 1916:

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Name of corporation	Collision		Boarding and alighting	Struck by car	Contact with wires	Total number killed
	Of cars	Of cars with vehicles				
Buffalo and Lake Erie Tr.....	.....	.....	1	2	.....	3
Buffalo Southern.....	.....	.....	.....	1	.....	1
Empire United Railways:						
Rochester, Syracuse and Eastern Div.....	.....	.....	2	10	.....	12
Syracuse-Oswego Div.....	.....	.....	.....	2	.....	2
Fonda, Johnstown and Gloversville.....	2	.....	.....	3	.....	5
International Railway.....	.....	.....	.....	1	.....	1
New York and Long Island Tr.....	.....	.....	.....	2	.....	2
New York State Railways:						
Oneida lines.....	.....	.....	.....	3	.....	3
Rochester lines.....	.....	3	.....	2	.....	5
Utica lines.....	.....	.....	.....	2	.....	2
Orange County Tr.....	.....	.....	.....	1	.....	1
Poughkeepsie City and Wappingers Falls.....	.....	.....	.....	.....	1	1
Rochester & Manitou.....	.....	.....	.....	1	.....	1
Schenectady Railway.....	.....	1	.....	7	.....	8
United Traction:						
Albany-Troy Div.....	1	.....	.....	1	.....	2
Western New York and Pennsylvania Tr.....	.....	.....	.....	2	.....	2
Totals.....	3	4	3	40	1	51

The following table shows the number of collisions between cars while operating on interurban systems and persons killed for the year ended December 31, 1916:

Name of corporation	Number collisions	Number killed
Albany Southern.....	1	.....
Buffalo and Lake Erie Tr.....	1	.....
Buffalo, Lockport and Rochester.....	1	.....
Chautauqua Traction.....	1	.....
Elmira, Corning and Waverly.....	3	.....
Fonda, Johnstown and Gloversville.....	2	2
Jamestown, Westfield and Northwestern.....	1	.....
New York State Railways:		
Rochester lines.....	2	.....
Southern New York Power and Railway Corp.....	5	.....
United Traction.....	1	1
Totals.....	18	3

The following statement shows the number of derailments that have occurred during the year on interurban electric railroads:

Name of corporation	Number of derailments	Number killed	Number injured
Buffalo, Lockport and Rochester.....	1	.....	5
Empire United Railways.....	2	.....	2
Hornell Traction.....	1	.....	1
International Railway.....	1	.....	2
New York and Stamford.....	1	.....	5
New York State Railways:			
Rochester lines.....	3	1	8
Southern New York Power and Railway Corp.....	6	.....	.....
Totals.....	15	1	23

Complaints: The division investigates all complaints against electric railroad corporations which are classified as "correspondence complaints". January 1, 1916, there were 12 such complaints under investigation; 65 have been received this year and 53 of these have been investigated and the complaint satisfied and closed on the records, making a total of 65 investigated this year. At present there are 12 under investigation, nearly all of which have been progressed so that they can be closed in the near future.

It will be noted that approximately the same number of informal complaints have been received against electric railroads this year as were received the previous year. This, notwithstanding the unusual increase in travel during the latter months of this year, demonstrates that the companies are alive to the necessities of service, and are in most cases, within the limits of available facilities, doing their utmost to keep pace with increased travel.

In addition to the investigation of correspondence complaints, the division has aided in the investigation of matters pertaining to formal cases before the Commission, and ascertaining that the orders of the Commission referring to electric railroads are properly being complied with.

Properties, and Results from Operations: The tables herewith printed indicate little improvement in the financial status of the street railroads in this District as a whole, as distinguished from the discouraging tendencies in decreasing gross and net revenues for 1915 as compared with 1914. But the figures given are for the year ended June 30th; and since that date a further gratifying increase in gross receipts has made its appearance.

A number of reasons may be assigned for both the depression of 1915 and the subsequent recovery. While general business depression was perhaps the largest factor in making this curve, the excessive use of jitneys in Schenectady, Utica, Syracuse, and Rochester had a decided effect. In Rochester during the month of May, 1915, 481 jitneys were operated and 688 licensed. Given power by the Legislature, the Commission has eliminated this competition, distinctly unfair to the existing carriers. Under the law, applications for certificates of convenience and necessity were made to the Commission in behalf of 128 jitneys in Rochester. In the consideration of these applications a thorough investigation of traffic requirements and service furnished was carried out by this division. This report showed a monthly reduction in passengers carried of approximately 800,000, and a falling off of annual gross revenue of \$350,000, both as compared with 1915. The Commission denied the applications of the jitneys, but embodied in its order requirements for the improvement of the street car service necessary to meet reasonably the needs of the traveling public. While the situation was unusually aggravated in Rochester, other cities were affected to a lesser degree by jitney operations. At the present time, with two exceptions there are no jitney busses operating exclusively within city limits in this Public Service District.

The Commission of course has no power to control competition resulting from the operation of privately owned automobiles. Indications tend to confirm the belief that this cause of reduced revenue is a permanent one, which in view of the rapid increase of the number of automobiles in use presents one of the serious problems confronting electric railroad officials.

As a factor in the increased gross revenue now apparent, the resumption of full operation of industrial plants and the erection and operation of new plants has been the most important factor. As an illustration, in the General Electric plant in Schenectady there were employed during 1914 approximately 10,000 people; at present there are employed in that plant over 20,000. This increased travel which occurs during the rush hours is not an indication of correspondingly increased net revenue. Excessive additional traffic during the hours of peak-load on an electric railroad

can not be handled with the unit profit per passenger which results from operation during other hours, for obvious reasons. The ideal economic conditions of operation would obtain if the rush hour did not exceed the non-rush hour travel by more than 100 per cent, in which case it could be handled by two shifts of train crews without overtime costs. In the case of most of the city systems, the number of cars in operation at 6 p. m. is three times the number in use at 10 a. m., and since the increase in industrial activity this proportion has been greatly augmented, resulting in disproportionate additional operating expenses and fixed charges.

With the first indications of the coming increase in gross business, many of the companies prepared to meet it with new equipment. The New York State Railways ordered 50 new cars for its Rochester division, 25 for its Syracuse division, and 22 for its Utica division. The United Traction Company ordered 25 new cars for its Albany division; the Schenectady Railway Company 16; and the Binghamton Railway Company 20. Many of these cars are now in operation, and it is expected that all of them will be in service within the next two months. All are of modern steel construction.

The heating and ventilating of cars, of vital importance as affecting the health of passengers, has been proven generally satisfactory upon the lines throughout the District, and few complaints were made to the Commission on this subject. In recent years material improvement has been made in hot-air heating, which includes improved methods of ventilation: the fresh air being taken from outside the car and by means of forced drafts passed through the heater and distributed over the lower portions of the car, passing out through roof ventilators, thus assuring a movement of air within the car-body and preventing cold air drafts. The cost of heating cars forms a material portion of operating expenses. Tests recently made show that in some cases it requires as much current to heat a car with electric heaters as is required to move the car.

Statement of Facilities and some of the Important Results of Operations of all Electric Railroad Corporations Reporting to this Commission, for Eight Years ended June 30, 1915.

Year ended June 30	Number miles of road	Number miles of single track	Number passenger cars available for service	Number active car-miles	Number revenue and transfer passengers carried	Railway operating revenues ¹	Railway operating expenses	Net corporate income
1908.....	1,657.75	2,148.39	² 3,759	85,446,000	448,846,000	\$21,617,000	\$14,333,000	\$2,229,000
1909.....	1,807.86	2,427.50	² 3,759	86,144,000	462,456,000	22,354,000	14,844,000	2,532,000
1910.....	1,871.57	2,612.56	3,383	93,557,000	499,357,000	24,917,000	15,977,000	3,232,000
1911.....	1,908.51	2,740.64	3,485	96,474,000	542,695,000	27,041,000	16,796,000	4,294,000
1912.....	1,942.74	2,796.39	3,710	97,894,000	575,431,000	28,010,000	17,827,000	4,174,000
1913.....	1,995.49	2,920.42	4,095	102,197,000	600,956,000	30,234,000	19,456,000	2,055,000
1914.....	1,995.40	2,939.95	4,205	106,177,000	632,902,000	32,062,000	20,741,000	1,737,000
1915.....	¹ 2,036.67	3,010.51	4,198	102,517,000	608,471,000	31,127,000	20,228,000	933,000
Year 1915 compared with 1908.....	378.92	862.12	439	17,071,000	159,625,000	9,510,000	5,895,000	³ 1,296,000
Per cent of increase or decrease.....	22.9	40.1	11.7	20.0	35.5	43.9	40.2	⁴ 58.2

¹ Increase of miles of road in 1915 was caused by the electrification of the Jamestown, Westfield and Northwestern Railroad, and Niagara Junction Railroad.
² Number of cars owned or leased.
³ Prefixed to figure indicates a decrease.
⁴ Passenger revenue only.

The foregoing table includes all electric railroad corporations reporting to this Commission, both city and interurban, but does not include electrified portions of the Erie, New York Central, and the New York, New Haven and Hartford railroads. It will be noted that "Railway Operating Revenue" includes passenger revenue only; the "Railway Operating Expenses" does not include taxes.

Some of the items in this statement are worthy of serious consideration. Of especial importance is the fact that for the eight years, revenues increased 43.9 per cent, the operating expenses increased 40.2 per cent, and the net corporate income decreased 58.2 per cent. This large decrease in net corporate income, in addition to the increased operating expenses, is principally caused by an increase in taxes of 86.9 per cent, and increased fixed charges of 77.2 per cent. While the number of passengers carried increased for the eight years 35.5 per cent, the number carried in 1915 was 24,431,000 less than in 1914, a decrease of 38.6 per cent; passenger revenue during that period decreased \$935,000, or 2.9 per cent; operating expenses decreased \$513,000, or 2.5 per cent; and net corporate income decreased \$804,000, or 46.2 per cent.

If the above ratio of decreased corporate income were continued, the future of the electric railroads in this Public Service District would be problematic, but the above figures are given for the year ending June 30th, and since that date there has been a gratifying increase in gross receipts compared with previous periods. Therefore, if the causes resulting in such increases are to continue, the disastrous results indicated in the figures given will no doubt be averted.

During the year serious inconvenience was caused the public by discontinuance of service in Albany, Troy, Rensselaer, Cohoes, Watervliet, Yonkers, Mount Vernon, White Plains, New Rochelle, and a portion of Buffalo, as the result of controversies between the corporations and their employees. All of this service is at the present time resumed.

DIVISION OF GRADE CROSSINGS

The appropriation of \$175,000 made by the Legislature of 1916 permitted the Commission to continue its work of eliminating

grade crossings, the orders made during the past year for such purpose being set forth in the following table:

TABLE I

Case No.	Railroad	Locality
277	Erie.....	Town of Warsaw
2776	U. & D.....	Village of Walden ¹
2805	D., L. & W., Erie, L. V., and L. & L. E.....	Town of Cheektowaga, village of Sloan
2923	L. I.....	Town of Southampton.
3778	N. Y. C.....	City of Ogdensburg
4982	L. I.....	Town of Southampton
5005	N. Y. C. and B., R. & P.....	City of Rochester
5081	N. Y., O & W.....	Town of Delhi
5118	C. N. E.....	City of Poughkeepsie ²
5329	C. N. E.....	City of Kingston
5438	Erie.....	Town of Canisteo
5495	D. & H.....	Town of Duanesburgh ³
5506	Penna.....	Town of Horseheads ⁴
5564	D., L. & W.....	Town of York
5687	D. & H.....	Town of Esperance

¹ Part reconstruction of existing overgrade crossing.

² Reconstruction of two existing overgrade crossings.

³ Reconstruction of one existing overgrade crossing.

⁴ Change in location of existing grade crossing.

The foregoing table, it will be noted, includes the Harlem Avenue crossing of the Lehigh Valley, the Erie, the Delaware, Lackawana and Western, and the Lehigh and Lake Erie railroads in the town of Cheektowaga and in the village of Sloan (case No. 2805), referred to in previous reports of the Commission as being one of the most urgent crossing elimination cases in the State.

It also includes the Brown Street, Rochester, crossing of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, likewise referred to in previous reports as a crossing of extreme danger.

Work at Harlem avenue is now under way, the plans having been approved and contracts let. While no actual construction has been started for the elimination of the Brown Street, Rochester, crossing, it is expected that the work will be started next Spring, the preparation of plans being now under way.

The orders shown in this table will eventually result in the elimination of eighteen grade crossings and the reconstruction of three old and unsafe overgrade crossings.

During the year several modifications have been made of previous orders, as shown by the following table:

TABLE II

Case No.	Railroad	Locality
254	N. Y. C.....	City of Mount Vernon
1848	L. I.....	Town of Oyster Bay
GC-433	D., L. & W.....	City of Buffalo
2583	N. Y. C.....	Town of Rhinebeck
4982	L. I.....	Town of Southampton

With the completion of the work at Bronxville now under way, all the grade crossings on that part of the New York Central railroad operated electrically, and generally referred to as the Electric Zone, extending from New York city to Harmon on the Hudson division, and to North White Plains on the Harlem division, will have been abolished, except two at Tarrytown, and as to these crossings, hearings at which a number of plans was considered have been held, and the Commission hopes to be able to determine this case shortly.

As will be seen by the following table, there is still pending a large number of cases which, with two or three exceptions — notably the cases of Ithaca, Tarrytown, and Court Street, Watertown, where the improvement involved has been determined upon, but study of the problems involved has not yet been completed — remain undetermined, in the great majority of instances for the reason that the Commission is not in funds to enable it to meet the State's share of the cost. Hearings have been held in some of these cases and in others dates for hearings have been set.

TABLE III

Case No.	Railroad	Municipality	Crossing
GC-454	N. Y., O. & W....	Town of Guilford.....	Depot highway
GC-475	N. Y. C.....	City of Kingston.....	3 crossings
GC-539	S., B. & N. Y....	Town of Cortlandville...	Cortland-Homer road
GC-645	N. Y. C.....	Town of Royalton.....	Long Road highway
GC-659	N. Y. C.....	Town of Claverack.....	Stivers highway
GC-682	N. Y. C.....	City of Newburgh.....	4 streets
157	N. Y. C.....	Village of Tarrytown....	Main and Wildey streets
1230	Erie.....	Town of Wallkill.....	Howells station
1415	N. Y. C.....	City of Rochester.....	Lyell avenue
1711	N. Y. C.....	Town of Cheektowaga....	Union road
2098	Erie.....	Village of Blooming Grove	Blooming Grove-Lincoln highway
2518	Erie.....	Village of Monroe.....	Main street
2586	N. Y. C.....	City of Kingston.....	Broadway
2658	D. & H.....	Town of Fenton.....	Nowlan road
2727	L. I.....	Town of Brookhaven....	Port Jefferson-Coman road
2730	D., L. & W.....	City of Ithaca.....	South Aurora street
2813	Erie.....	Village of Salamanca....	Wildwood
2875	N. Y. C.....	Village of Cornwall.....	River road, Nyack road, Main street
2936	N. Y., O. & W....	City of Oswego.....	W. Seneca street (county highway)
3216	N. Y. C.....	Town of W. Bloomfield...	W. Bloomfield and Honeoye Falls
3281	C. N. E.....	City of Poughkeepsie....	Buckingham avenue
3290	N. Y., O. & W....	City of Middletown.....	Wisner avenue

TABLE III (concluded)

Case No.	Railroad	Municipality	Crossing
3401	L. I.....	Town of Oyster Bay.....	Jericho turnpike
3102	B. & M.....	Town of Rotterdam.....	Port Hunter
3405	L. & H.....	Town of Warwick.....	2 crossings at New Milford
3423	N. Y. C.....	City of Corning.....	E. Pultney and Ontario streets
3585	L. I.....	Town of N. Hempstead..	Jericho turnpike
3610	D., L. & W.....	Groveland Station.....	Genesco-Dansville road
3690	L. V.....	Town of LeRoy.....	North and Lake streets
3943	L. V.....	Town of Brighton.....	Penfield road
4465	L. I.....	Town of Southampton...	Newtown road
4474	D. & H.....	Town of Colonie.....	Shaker-Watervliet county highway
4675	G. R.....	Town of Cuba.....	State highway No. 5174
4643	L. I.....	Town of Brookhaven.....	Blue Point avenue
4785	U. & D.....	Town of Hunter.....	Hunter turnpike
4855	N. Y. C.....	Onondaga County.....	Camillus-Fairmount county high- way
4887	Erie.....	City of Jamestown.....	Buffalo street
4965	N. Y. C.....	City of Watertown.....	Court street
5605	Erie.....	Town of Springwater....	County highway No. 1321
4981	N. Y., O. & W....	Town of Wallkill.....	At Mechanictown
5608	N. Y. C.....	Town of Lewiston.....	State highway route 18
5622	Penna.....	City of Olean.....	Queen street
5633	D. & H.....	Village of Cobleskill.....	W. Main street
5641	D. & H.....	Town of Afton.....	Main street to River bridge high- way
5651	N. Y. C.....	Town of Guilderland.....	Fuller's road
5660	D. & H.....	Towns of Richmondville and Cobleskill.....	County highway, petition 3527
5755	S., B. & N. Y. (D., L. & W.).....	Onondaga County.....	2 crossings
5781	B., R. & P.....	Village of Warsaw.....	Perry Center road

A financial statement of the grade crossing funds is herewith given:

Total amount appropriated prior to 1912.....	\$2,317,606.92
Less amount lapsed.....	2,945.86
	<hr/>
	\$2,314,661.06
Appropriated by Legislature of 1912.....	nothing
Appropriated by Legislature of 1913.....	nothing
Appropriated by Legislature of 1914.....	nothing
Appropriated by Legislature of 1915.....	552,000.00
Appropriated by Legislature of 1916.....	175,000.00
	<hr/>
	\$3,041,661.06
Total amount paid by State Treasurer to December 20 as State's portion of cost..	2,322,711.95
	<hr/>
Balance for future work and completion of that already authorized.....	\$718,949.11
Estimated cost to State of work authorized not yet paid for.....	497,471.71
	<hr/>
	\$221,477.40

With the exception of a small percentage to cover expenditures which at present can not be foreseen, the above amount of \$221,477.40 has been set apart to pay for the State's share of the cost in cases approved by the Commission and in which hearings have been held but determinations not yet actually made.

Work was finished and grade crossings closed during the year at the locations shown in following table:

TABLE IV

Case No.	Railroad	Municipality	County	Number of crossings closed
1519	Erie.....	City of Jamestown.....	Chautauqua.....	¹ 1
4108	N. Y. C.....	Town of Remsen.....	Oneida.....	² 2
4114	W. S.....	Town of Catskill.....	Greene.....	1
4252	D. & H.....	Town of Bainbridge.....	Chenango.....	1
4367	U. & D.....	Town of Roxbury.....	Delaware.....	1
4469	D. & H.....	Village of Cobleskill.....	Schoharie.....	³
4473	N. Y., O. & W.....	Town of Mamakating.....	Sullivan.....	1
4485	D. & H.....	Town of Ballston.....	Saratoga.....	1
4982	L. I.....	Town of Southampton.....	Suffolk.....	1
5066	N. Y. C.....	Town of Lockport.....	Niagara.....	1
5084	N. Y. C.....	Village of Gouverneur.....	St. Lawrence.....	³
5248	D., L. & W.....	Town of Alexander.....	Genesee.....	1
5249	D., L. & W.....	Town of Alexander.....	Genesee.....	1
5506	Penna.....	Village of Horseheads.....	Chemung.....	³

¹ West Second street.² State highway and Phelps road; Sawmill highway not yet closed.³ Change in location of existing grade crossing.

In the Annual Report for year 1915 the Commission reported that 371 crossings had been eliminated to that time. The total eliminations accomplished, therefore, including the 12 in the foregoing table, now number 383.

In Table V below are shown the estimated amounts still to be paid in liquidation of the State's share of work under way. In some of these cases (marked with a *), partial payments have been made by the State, and in such cases the amounts given in the table show the State's estimated remaining liability.

TABLE V

Case No.	Railroad	Municipality	Estimate
156	N. Y. C.....	City of White Plains.....	*\$39,000.00
277	Erie.....	Town of Warsaw.....	4,000.00
GC-381	N. Y. C.....	City of Albany.....	*11,385.00
509	N. Y., O. & W. and D., L. & W.....	City of Utica.....	*3,419.22
774	N. Y. C.....	Village of Bronxville.....	*27,871.57
1519	Erie.....	City of Jamestown.....	*133,836.88
1848	L. I.....	Town of Oyster Bay.....	15,000.00
2072	N. Y. C.....	Village of Ossining.....	*11,795.66
2476	Erie.....	City of Corning.....	*5,299.32
2583	N. Y. C.....	Town of Rhinebeck.....	*2,073.32
2583	N. Y. C.....	Town of Rhinebeck.....	5,000.00
2805	D., L. & W., L. V., Erie, and L. & L. E.....	Town of Cheektowaga and Village of Sloan	100,000.00
2923	L. I.....	Town of Brookhaven.....	8,500.00
3471	N. Y. C.....	Village of Fishkill Landing (City of Beacon)	*2,040.74
3778	N. Y. C.....	City of Ogdensburg.....	20,000.00
5005	N. Y. C. and B., R. & P.	City of Rochester.....	100,000.00
5118	C. N. E.....	City of Poughkeepsie.....	7,250.00
5438	Erie.....	Town of Canisteo.....	1,000.00
Total.....			\$497,471.71

The following table shows the distribution of grade crossing funds heretofore expended in total and in percentages of total among the counties of the State:

TABLE VI

<i>County</i>	<i>Amount</i>	<i>Percentage</i>
Albany.....	\$142,196.01	6.122
Allegany.....	3,054.93	0.131
Bronx.....	9,720.51	0.418
Broome.....	92,995.04	4.004
Cattaraugus.....	43,395.32	1.868
Cayuga.....	15,164.56	0.653
Chautauqua.....	48,743.27	2.099
Chemung.....	11,867.01	0.511
Chenango.....	4,301.06	0.185
Clinton.....	.....	.....
Columbia.....	12,114.61	0.522
Cortland.....	2,765.86	0.119
Delaware.....	.....	.....
Dutchess.....	43,430.15	0.956
Erie.....	43,430.15	1.870
Essex.....	.....	.....
Franklin.....	88.38	0.004
Fulton.....	.....	.....
Genesee.....	30,251.26	1.303
Greene.....	.....	.....
Hamilton.....	.....	.....
Herkimer.....	2,694.77	0.116
Jefferson.....	12,856.38	0.554
Kings.....	.....	.....
Lewis.....	.....	.....
Livingston.....	1,570.73	0.068
Madison.....	7,138.36	0.307
Monroe.....	133,369.78	5.743
Montgomery.....	7,811.57	0.336
Nassau.....	55,703.46	2.401
New York.....	.....	.....
Niagara.....	27,309.01	1.176
Oneida.....	156,153.81	6.724
Onondaga.....	25,556.39	1.100
Ontario.....	3,131.16	0.135
Orange.....	52,799.54	2.273
Orleans.....	.....	.....
Oswego.....	14,311.03	0.616
Otsego.....	29,687.10	1.278
Putnam.....	3,929.02	0.169
Queens.....	.....	.....
Rensselaer.....	26,141.30	1.126
Richmond.....	.....	.....
Rockland.....	15,347.17	0.661
St. Lawrence.....	.....	.....
Saratoga.....	.....	.....
Schenectady.....	411,515.52	17.719
Schoharie.....	.....	.....
Schuyler.....	2,296.96	0.099
Seneca.....	.....	.....
Steuben.....	68,367.43	2.944
Suffolk.....	92,863.87	3.998
Sullivan.....	28,585.13	1.231
Tioga.....	.....	.....
Tompkins.....	2,743.48	0.118

County	Amount	Percentage
Ulster.....	\$26,408.82	1.137
Warren.....		
Washington.....		
Wayne.....	2,100.86	0.090
Westchester.....	620,717.00	26.726
Wyoming.....	9,068.75	0.390
Yates.....		

The following table shows the distribution of grade crossing funds heretofore expended among the railroads of the State. In this table the percentages of miles of road in the State, the percentages of miles of track in the State, and the percentages of the total amounts heretofore expended for grade crossing purposes among the various railroads are compared:

TABLE VII

Railroad	Miles road in State	Per cent of total in State	Miles track in State	Per cent of total in State	Amount expended	Per cent of amount expended
N. Y. C.....	2,820.54	36.88	7,698.62	43.72	\$1,492,598.73	64.27
Erie.....	950.59	12.43	2,060.21	11.70	255,053.28	10.98
D. & H.....	724.42	9.47	1,456.55	8.27	182,920.45	7.88
L. I.....	397.01	5.19	874.23	4.96	148,617.33	6.40
N. Y., O. & W.....	477.30	6.24	847.08	4.81	74,886.32	3.22
D., L. & W.....	493.48	6.45	1,121.50	6.37	51,121.43	2.20
B., R. & P.....	191.52	2.50	385.47	2.19	30,574.97	1.32
Penn.....	461.57	6.03	885.63	5.03	31,343.07	1.35
B. & M.....	121.73	1.59	256.43	1.46	20,026.55	.86
U. & D.....	128.88	1.69	162.50	.92	14,128.96	.61
N. Y., C. & St. L.....	69.67	.91	116.27	.66	11,152.30	.48
P., S. & N.....	89.99	1.18	118.68	.67	8,054.93	.33
L. V.....	659.04	8.62	1,261.92	7.17	2,743.48	.12
N. Y., N. H. & H.....	37.27	.49	322.69	1.83	2,834.48	.10
L. & H. R.....	25.20	.33	42.48	.24	1,955.67	.08
Totals.....	7,648.21	100.00	17,610.26	100.00	\$2,322,511.95	100.00

Determinations under section 89 of the Railroad Law (new railroads crossing existing streets) were made in three cases: case No. 5342, International Railway, crossing of streets between Buffalo and Niagara Falls; case No. 5342, International Railway, crossing of streets between Buffalo and Niagara Falls, modified order; and case No. 5673, Frontier Electric Railway Company, crossings between Buffalo and Niagara Falls.

Under section 90 of the Railroad Law (new streets crossing existing railroads), three orders were made during the year, as follows: Case No. 5244, Long Island, town of Southampton, street under railroad grade; case No. 5560, New York Central, city of Rome, petition for grade crossing denied; case No. 5507, Lehigh Valley, town of Barton, street over railroad grade.

The Commission, as shown by an Opinion dated March 23, 1916 (case No. 1848, Town of Oyster Bay, Long Island Railroad), has again placed itself on record as opposed to a headroom

at new overgrade crossings of less than 21 feet clearance; and by an Opinion dated November 8, 1916, in case No. 5507, Town of Barton, Lehigh Valley Railroad, has laid down not only a specific rule applicable to that case with respect of the costs to be borne by the petitioning municipality and the railroad involved, but also a general rule for such distribution of costs which it is hoped may be applied to the solution of the question in cases of similar character in the future.

Under date of November 8th the Commission, in denying a petition for the elimination of the Floyd Road grade crossing of the Utica and Black River Railroad (New York Central Railroad), rendered an Opinion that under certain conditions such as existed in this case the dangers of the grade crossing intended to be eliminated might be superseded by danger of vehicular collision incidental to the new construction. The petition was denied for this reason.

In his Opinion in this case, Chairman Van Santvoord characterized the conditions as typical of many such cases, and recommended that the Commission be given further power to remedy them at less cost.

“In our opinion, the incidental danger of horse-drawn vehicles being in collision with motor vehicles at the intersection of the proposed new road just north of the under-pass is so great as to more than counterbalance the danger element involved in the present grade crossing. We are led to this conclusion by a careful personal inspection of both the locality and the local traffic which moves at the points involved. Our conclusion would be unreserved but for the obstruction of view in approaching the Floyd crossing from the south, occasioned by the woods standing in the southwest angle. We regard it as unfortunate that the authority of the Commission to order the elimination of grade crossings does not include power in a proper case to ameliorate the danger of such crossing by compelling the removal of physical obstructions to a free view of the approach from either direction — the costs of condemnation of land, the acquisition of a necessary easement or consequential damages to be apportioned between the parties in the existing statutory ratio. This observation has not been occasioned alone by the facts in this case; the conviction has long been forming in the mind of the writer. I am of opinion that the Legislature properly may be memorialized on the subject by this Commission.”

DIVISION OF LIGHT, HEAT, AND POWER

Edward J. Cheney, for some time assistant chief, succeeded Edward McGuire, resigned, as chief of this division on September 1st. James M. Kite was made assistant chief; he has been engineer of the division of telegraphs and telephones since its organization.

The division of light, heat, and power has general charge of all matters relating to gas, electric, and steam heating services. The routine inspections of gas, and the testing of gas and electric meters, require most of the time of the present force of inspectors. Further routine involves the considerable work of handling correspondence involving complaints, inquiries, and miscellaneous matters, in such a manner that all parties concerned may fully understand the entire situation and the reason for the action taken without resorting to formal proceedings. A growing amount of time has been devoted to the work required by statute in capitalization cases. A distinct tendency toward concentration and consolidation of electrical corporations and gas corporations has imposed much exacting labor on this division in appraisals often made necessary in capitalization cases by the Commission's requirements for more exact knowledge of the value of physical property involved than is some times revealed by the corporation's books and reports.

The division has also devoted considerable time to rate cases, involving a study of the value upon which the company is entitled to a return, and analyses of operating conditions, studies of the expenses of each unit of the business, and the effect of various rates on each particular class and on the business as a whole.

Inspectors Needed: As repeated in several previous reports, the Commission lacks men for a systematic inspection of electric plants and lines. The vast amount of overhead construction which exists, and the danger to life and to continuity of service which may be caused by improper or poorly maintained construction, makes it most urgent that this condition be remedied. A less serious, but nevertheless real, need exists to have the Commission informed regarding station equipment and operating methods to an extent which can be attained only by direct inspections. The modest appropriation for additional inspectors which

has been requested would enable a considerable start to be made on this work.

Important Gas Changes: The year has been marked by two important developments in the gas industry within the Commission's jurisdiction. Concluding an extensive and exhaustive study of the proper standard for manufactured gas, a study extending over many years in conjunction with the best expert opinion which the Commission could secure, a standard of 585 British thermal units per cubic foot has been substituted as of January 1, 1917, for the former candle-power standard. With the universal substitution of electricity for lighting, the Commission finds that gas is more and more being developed as an agency for cooking, heating, and power, and for other industrial and domestic purposes where heating value is essential and illuminating power negligible. Even where gas is still used for illuminating, it is very generally so used in conjunction with the mantle burner, for the efficiency of which heating and not illuminating power is required of the gas. The judgment of the Commission in this matter is further strengthened by the increasingly prohibitive cost of the enriching oils necessary to maintain gas at any desirable candle-power standard. These oils have become more and more scarce, high priced, and of poor quality, with the conversion by the oil companies of greater proportions of crude oil into gasoline and similar products. How much economy in manufacturing can be realized with existing equipment under the new standard remains to be seen, but there is no question that a more uniform product can be manufactured, which will permit more efficient use by the consumer at no greater cost of production than would be obtained under the old standard.

The adoption of the new standard will also make possible the transmission of manufactured gas over relatively long distances, and the supplying of small outlying communities which have hitherto been deprived of gas service, because it has proven almost impossible to transmit gas enriched to meet candle-power requirements over any considerable distance without serious loss of the volatile enriching element. The action of the Commission was based upon the study of a special committee appointed in 1909, embracing in its membership engineers of the Commission and

engineers and operating officials of many of the large gas making corporations in the State.

In the natural gas field the problem of shortages, particularly during the cold weather, has assumed serious proportions. Communities using natural gas are growing, and many of the sources of supply within this State are at the same time being exhausted. Cheapness, one of the great advantages of natural gas, is the direct cause of its greatest difficulties, for by reason of its low cost it is extensively used for heating purposes, which results in a greatly increased demand during periods of cold weather. Unfortunately, nature yields her gift at an approximately constant rate, with the result that there is no extra supply to meet the extra demand. Of course, each consumer opens wide all his appliances in an effort to secure enough gas for his own use, and the pressure is promptly pulled down to a point where burners are not working efficiently, and the trouble is aggravated. The Commission has been frequently appealed to by communities suffering from real hardships under these conditions. The Commission, however, is without power to regulate the providence of nature, and has of course been confined to an effort to see that individual injustices are not inflicted. Yet this affords little or no relief where the whole communities suffer alike. It is interesting to note that one company now proposes to meet this problem by installing a manufactured gas plant which will be run strictly as an auxiliary supply, its product to be mixed with the natural gas.

Laboratories: The gas and electric laboratories are very comfortably located in the basement of the building occupied by the Commission's offices. Some new equipment is being added to the gas laboratory in order to provide for the increased amount of calorimetric work which will be required under the new gas standard. By reason of the generous appropriation made last year, the electric laboratory is being provided with much needed apparatus for the testing of meters and calibration of instruments. Great care is being taken to make the outlay to the best advantage and to secure apparatus which will meet all conditions which may arise. It is believed that the laboratory will shortly be one of which the State need not be ashamed, and that much work,

especially the testing of polyphase meters, which has long been held up for lack of suitable apparatus, can be satisfactorily undertaken.

Electric Meters and Standards: Station testing standards owned and in use by the companies were tested as follows: 440 rotating standards; 125 indicating wattmeters; 7 voltmeters; 3 ammeters: total, 575. Of this total, 534 were approved as accurate, 8 were disapproved and ordered re-calibrated, and 33 were readjusted by the inspectors.

On complaint of consumers there were tested 31 electric meters, of which 3 were found to be more than 4 per cent fast, 1 was found to be more than 4 per cent slow, and 27 were correct within the allowable limits of error.

The monthly reports filed by corporations of consumers' electric meters tested show results tabulated as follows:

Month	Corporations		Meters tested				
	Equipped with standards	Making tests	Total meters tested	Total accurate, within 4%	Inaccurate		
					Total in-accurate, more than 4% fast or slow	More than 4% fast	More than 4% slow
1915							
December.....	242	133	10,629	9,612	1,017	279	738
1916							
January.....	242	121	11,222	10,281	941	234	707
February.....	242	130	11,875	10,842	1,033	361	672
March.....	241	127	12,832	11,738	1,094	375	719
April.....	241	108	11,291	10,425	866	246	620
May.....	241	114	11,948	11,045	903	253	650
June.....	241	102	11,534	10,686	848	277	571
July.....	241	113	10,196	9,355	841	271	570
August.....	241	110	11,367	10,319	1,048	389	659
September.....	241	109	11,187	10,033	1,154	463	691
October.....	241	118	11,968	10,729	1,239	532	707
November.....	241	119	11,435	10,327	1,108	561	547
Totals.....			137,484	125,392	12,092	4,241	7,851

The following table shows by years the results of meter tests made by the companies:

Year	Number meters tested	Per cent found correct
1913.....	104,886	87.0
1914.....	122,921	88.7
1915.....	128,896	90.4
1916.....	137,484	91.2

Inspections of Gas: Tests of gas for illuminating power and purity under the existing standards have been made in the manner described by previous reports. The total number of tests for the year was 790. In one or more respects 543 tests, or 68.7 per cent of the total number, showed deficiencies. The supply was found to

fail to meet requirements as to candle-power in 50.4 per cent of the tests; as to presence of hydrogen sulphide, 13.7 per cent of the tests; as to the maximum amount of sulphur, 2.7 per cent of the tests; and as to the maximum amount of ammonia allowed, 2 per cent of the tests. The results of such tests are given in Appendix D.

Gas Meters and Provers: Every gas meter is tested by inspectors of the Commission prior to its installation for use. Whenever meters are opened, they must be again tested and sealed before being placed in use by the company. Upon its authority to establish rules and regulations to carry into effect the meter testing provisions of the law, the Commission adopted a rule that all gas meters shall be deemed to be correct the registration of which is not more than 2 per cent fast or slow.

For the year, 107,333 meters were verified and sealed as correct within the allowable limits of error above stated, and 1954 were rejected, being more than 2 per cent fast or slow, or unsound. Of the total number sealed, new meters comprised 23.5 per cent, and repaired meters 76.5 per cent. Natural gas companies furnished 21.9 per cent and manufactured gas companies 78.1 per cent of the total. The following table summarizes the results as to the number of meters found fast or slow, and gives the average percentages of registration:

Meters	Fast		Slow		100 % correct, number	Un- sound, number
	Num- ber	Aver- age %	Num- ber	Aver- age %		
Error of 2% or less.....	14,291	0.89	69,584	1.14	23,458	.....
Over 2% error.....	1,143	3.68	568	6.77	.....	243

Upon application of consumers, special tests were made of 77 meters, 32 of which were found to register more than 2 per cent fast or to the prejudice of the consumer. The percentages of error of these meters were as follows: 7 registered 2.5 per cent; 6, 3 per cent; 3, 3.5 per cent; 6, 4 per cent; 2, 4.5 per cent; 2, 5 per cent; 2, 6 per cent; 3, 7 per cent; 1, 9 per cent fast. Eight of the complaint meters registered more than 2 per cent slow; of these, 2 registered 2.5 per cent; 2, 3 per cent; 1, 3.5 per cent; 1, 4 per cent; 1, 6 per cent, 1, 17 per cent slow. The remainder of the complaint meters, 37 in number, were found correct within the limits of error.

Four wet meters were tested for accuracy. These meters being more constant in their registration than the dry meter are used in photometric and calorimetric observations. These are sent periodically to the laboratory of the Commission to be calibrated. One hundred and two corporations are now properly equipped with meter provers.

New Gas and Electric Plants: Below is given a list of new corporations which have received permission to construct and exercise franchises. This list does not comprise new corporations resulting from consolidations or reorganizations; these will be found in a succeeding paragraph.

<i>Plant</i>	<i>Locality</i>	<i>Service</i>
Bombay Electric Corp.....	Town of Bombay.....	Electricity
Canisteo Light and Power Co., Inc.....	Village of Canisteo.....	Electricity
Clinton Light, Heat and Power Co., Inc....	Hamlet of Churubusco.....	Electricity
Hammond Light, Heat and Power Co., Inc.	Village of Hammond.....	Electricity
Hobbs, Thomas B.....	Town of Ellenburgh.....	Electricity
Huntington, Alfred.....	Town of Ripley (part).....	Electricity
Long Beach Power Co.....	Village of Long Beach.....	Electricity
Matthews, Ralph Y.....	Village of Unionville.....	Electricity
Progressive Electric Light Co., Inc.....	Town of Kirkland (part).....	Electricity
Sanborn-Pekin Power Co., Inc.....	Town of Lewiston (part).....	Electricity
Seward Electric Lighting and Power Co., Inc.....	Town of Seward.....	Electricity

Additional Franchises Exercised: Permission was given to the following operating corporations to extend their service and exercise rights under new or dormant franchises:

<i>Plant</i>	<i>New franchises exercised</i>	<i>Service</i>
Arcade, Village of.....	Hamlet of Yorkshire.....	
	Town of Arcade (part).....	
	Town of Yorkshire (part).....	Electricity
Buffalo General Electric Co.....	Town of Tonawanda.....	Electricity
Central Hudson Gas and Electric Co.....	Town of Pleasant Valley.....	
	Village of Pleasant Valley.....	Electricity
Chatham Electric Light, Heat and Power Co.....	Town of Chatham (part).....	
	Town of Austerlitz.....	
	Town of Claverack (part).....	
	Town of Hillsdale.....	
	Town of Taghkanic (part).....	
	Town of Copake.....	Electricity
Colliers Light, Heat and Power Co.....	Town of Laurens.....	
	Village of Laurens.....	
	Town of Oneonta (part known as West Oneonta).....	
	Town of Oneonta (part).....	
	Town of Otsego.....	
	Town of Milford.....	
	Town of Exeter.....	
	Town of Hartwick.....	Electricity

<i>Plant</i>	<i>New franchises exercised</i>	<i>Service</i>
Depew and Lancaster Light, P. & C. Co.	Village of Depew (ext. old franchise)	
	Town of Elma.....	
	Town of East Hamburg.....	
	Town of Clarence.....	Electricity
Deposit Electric Co.....	Town of Tompkins.....	Electricity
Despatch Heat, Light and Power Co.....	Town of Pittsford.....	
	Town of Perinton.....	
	Village of Pittsford.....	
	Village of Fairport.....	Gas
Dundee Electric Lighting Plant.....	Town of Starkey.....	Electricity
Elmira Water Light and Railroad Co.....	Town of Montour.....	
	Town of Catherine.....	
	Village of Odessa.....	Electricity
Fulton Chain Electric Co.....	Village of Old Forge.....	Electricity
Gowanda Light and Power Corp.....	Town of Perrysburg (part).....	
	Village of Perrysburg.....	Electricity
Gregory Electric Co., Inc.....	Town of Oswegatchie.....	
	Town of Morristown.....	Electricity
Iroquois Natural Gas Co.....	Town of Red House.....	
	Town of Mansfield.....	
	Town of Carrollton.....	Gas
Ithaca Gas and Electric Corp.....	Town of Ithaca.....	
	Town of Lansing.....	Gas and
	Village of Cayuga Heights.....	Electricity
Jamestown Lighting and Power Co.....	Village of Falconer.....	Electricity
Mexico Electric Co.....	Town of Parish.....	
	Village of Parish.....	Electricity
Niagara and Erie Power Co.....	Town of North Collins.....	
	Village of North Collins.....	
	Town of Portland.....	
	Town of Hanover.....	
	Town of Stockton.....	
	Town of Eden.....	Electricity
Niagara, Lockport and Ontario Power Co..	Village of Skaneateles (transmission system only).....	
	Town of Niagara (road crossings)....	Electricity
Northern New York Utilities Co.....	Town of Edwards (certain highways)...	
	Town of Alexandria.....	
	Town of Orleans.....	
	Town of Alexandria Bay.....	Electricity
Nunda Electric Light Co., Inc.....	Town of Nunda.....	
	Village of Nunda.....	
	Town of Portage.....	
	Town of Genesee Falls.....	Electricity
Peoples Gas and Electric Co., Oswego.....	Town of Sterling.....	
	Village of Fair Haven.....	Electricity
Port Henry Light, Heat and Power Co....	Town of Moriah.....	
	Town of Crown Point.....	Electricity
Plattsburgh Gas and Electric Co.....	Town of Plattsburgh.....	Electricity
Public Service Corporation of Long Island..	Village of Floral Park.....	Gas
Randolph Light and Power Co., Inc.....	Town of Villenova.....	
	Village of South Dayton.....	Electricity
Seneca River Power Co.....	Town of Lysander.....	Electricity
Silver Creek Electric Co.....	Town of Hanover.....	
	Village of Forestville.....	
	Village of Perrysburg (transmission system only).....	
	Town of Perrysburg (part).....	Electricity
Standard Light, Heat and Power Co.....	Town of Sidney (part).....	
	Town of Butternuts.....	
	Village of Gilbertsville.....	Electricity
Troy Gas Co.....	Town of Waterford (part).....	Electricity

LXXVIII PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Changes in Operation: Permission was given the corporations named to make certain changes, as follows:

Canistota Light and Power Co., Inc., to acquire a franchise granted by the Village of Canistota to Charles A. Larowe.

Colliers Light, Heat and Power Co. to acquire a franchise granted by the Village of Milford to Clinton Mills Power Co.

Hartwick Seminary Lighting Co. for the transfer of a franchise to Colliers Light, Heat and Power Co.

Arnold C. Dickinson to transfer franchises granted to him by the Village of Rosendale and Township of Marbletown to Charles P. Dickinson.

Elmira Water, Light and Railroad Co. to merge Elmira Transmission Co.

Empire Gas and Electric Co. to merge Central New York Gas and Electric Co.

Keyes Electric Co. to transfer all its property, works, and system to Gowanda Light and Power Corp.

J. A. Sanford & Sons to sell the acetylene gas plant and distribution system in the village of Bridgehampton to Long Island Gas Corp.

Frank L. Mason to transfer an electric light plant and distribution system in the village of Union Springs to Union Springs Light and Power Co., subject to two mortgages.

Wallace Murray to transfer a franchise granted to him by the Town of Moriah to Port Henry Light, Heat and Power Co.

Nunda Electric Light Co., Inc., to acquire the franchises, works, and system of the Nunda Casket Co.

Niagara, Lockport and Ontario Power Co. to transfer all its right, title, and interest in the Lyons Power Plant and property to Salmon River Power Co.

Port Jefferson Electric Light Co. to sell and transfer all its property, rights, franchises, etc. to North Shore Electric Light and Power Co.

Randolph Electric Light and Power Co. to transfer its property, franchises, system, etc., to Randolph Light and Power Co., Inc.

Ridge Road Gas and Oil Co. to sell its natural gas plant in the town of Hamburg to Charles B. Fuller.

St. Lawrence Transmission Co. and Northern Power Co. to consolidate into a single corporation to be known as St. Lawrence Transmission Co.

Schenectady Power Co. to merge Hoosac River Electric Light and Power Co.

William Soper to transfer and sell his electric light plant in the village of Hammond to Hammond Light and Power Co., Inc.

William E. Carroll to transfer the gas works, system, and franchise of Citizens Natural Gas and Fuel Co. of Dunkirk to South Shore Natural Gas and Fuel Co.

Fred Sprague to sell and transfer an electric light plant in the village of Falconer to Jamestown Lighting and Power Co.

Green & McDowell to sell and transfer all poles, wires, and equipment owned and used by them in a part of the town of Waterford to Troy Gas Co.

George Wishart to transfer a franchise granted to him by the town of Seward to Seward Electric Lighting and Power Co.

Charles M. Wood to transfer and sell his electric light plant, works, and system in the village of Elizabethtown to J. Lawrence Webster.

DIVISION OF TELEGRAPHS AND TELEPHONES

The work of the division has been continued along the lines substantially as indicated in the preceding annual reports. Studies and researches in connection with rate cases, and formal complaints or investigations instituted by the Commission; correspondence and special investigation of informal complaints; inspections of plant, equipment, and service; inventory and appraisal of property in connection with capitalization cases; and conferences with Commissioners and corporation officers, comprise briefly the main activities of the division.

Among the telephone rate cases, some of the developments connected with the investigation of the rates applying throughout the district comprising the cities of Troy, Cohoes, and Water-vliet, and the village of Waterford, are of special interest on account of the indication that the propriety of applying measured service rates in the larger up-state cities, in place of flat rates, is likely to be pressed more and more by telephone corporations, and is bound eventually to come before the Commission for serious consideration. The Opinion in this case contains the following remarks:

“The detail of traffic study shows a striking variation in the number of calls originated by subscribers paying the same rate for the same class of service; and when the rate paid per call is computed, the inequality becomes especially pronounced. . . . But, although there are substantial reasons for the belief that a measured schedule may in time be accepted as the ideal method in such cases, or at least as the only consistent and equitable telephone rate basis thus far devised, its general inauguration must await further development of what might be called the philosophy of telephone service, with a corresponding enlightenment of the public and the disclosure of a measurable degree of willingness on its part to accept that which promised a nearer approach to abstract justice in the apportionment of charges for telephone service than has thus far been accomplished.”

The matter of short term telephone rates has been the subject of an extended investigation. The disproportion in existing schedules of the larger telephone corporations and lack of uniformity throughout the State has been apparent and has occasioned a number of complaints. It was thought that the case could be concluded in time to afford relief to those taking the short term service during the past summer season, but as the investigation proceeded it was found that many adjustments in the schedules were involved and that the complications required more extended study. A substantial reduction is, however, assured in the schedule of the New York Telephone Company, by the voluntary submission on its part of a revised tariff, and the basis for the final disposition of the case is well in hand.

The matter of discriminatory rates which the statute legalizes by allowing telephone corporations the option of continuing old contracts executed under obsolete schedules, has been referred to

in our reports from year to year. The question of whether the Commission should issue an order as provided by law to eliminate these discriminations has been periodically under consideration, and the status of the matter has been constantly watched through reports from the telephone companies and inspections.

Through the informal work of the division and especially the voluntary action of the New York Telephone Company, such substantial progress has been made that the remaining discriminations of this character are practically eliminated except in the western part of the State where competitive conditions exist, and where such an order might work an undue hardship on the public or give one competitor an undue advantage over the other.

The amendment passed by the last Legislature giving the Commission authority to investigate small telephone companies to determine whether or not they come within its jurisdiction has brought under observation some sixty companies whose property must be inventoried and appraised. This additional work was promptly undertaken when the law became effective September 1, 1916, and will be carried on as fast as circumstances permit.

During the year, 516 informal complaints have been received and 494 determined. In addition to the correspondence and interviews incident to these complaints, there have also been the usual number of inquiries concerning matters related, or often unrelated, to subjects coming within the jurisdiction of the Commission.

Inspections have been made of 361 telephone central offices and exchange plants serving a gross number of 502,362 telephone subscribers, and 61 inspections have been made of telegraph offices.

Service testing forms an essential part of the inspection routine. These tests cover every technical detail of telephone operation. It would not be practicable to reproduce here all these tests in form for general reading. That portion of the telephone tests dealing with speed of service appears in Appendix E.

DIVISION OF TARIFFS

The character and purpose of the work performed by this division has been stated in preceding annual reports, and during this year it has been conducted along the same general lines.

The following shows the number of rate schedule publications

tendered this year to the Commission for filing, the number rejected as unlawful, and the number passed into its files:

Classification	Publications		Total
	New	Amendatory	
Express companies.....	21	65	86
Railroad companies:			
Freight, steam.....	2,287	5,105	7,392
Freight, electric.....	71	52	123
Passenger, steam.....	304	680	984
Passenger, electric.....	49	58	107
Short-term excursion, steam.....	566	.....	566
Short-term excursion, electric.....	128	.....	128
Rail and Water lines:			
Freight.....	32	52	84
Passenger.....	18	17	35
Short-term excursion.....	5	.....	5
Baggage and Transfer companies.....	2	1	3
Gas corporations.....	31	66	97
Electrical corporations.....	78	338	416
Telephone corporations.....	109	621	790
Telegraph corporations.....	5	19	24
Totals.....	3,766	7,074	10,840
Rejected as unlawful.....	21	21	42
Passed into the files.....	3,745	7,053	10,798

The practice has been continued of issuing each week a Bulletin, showing changes made by the express companies and the railroad corporations in their rates, fares, and charges for the transportation of persons or property between points in this State applying over intrastate routes, as well as rules, regulations, and practices relating thereto, and therefrom the following summary has been prepared:

Express Rates: Base rates have not been changed, and there have been but few departures therefrom made by the establishment of specific commodity rates. Such lower rates as have been provided were made in general to cover shipments of fruits, fish, milk, butter, and vegetables between specific points. There have been no important offices closed, and but few new offices opened. On account of the Wellsville and Buffalo Railroad Corporation having ceased operation, it necessitated the closing of the express offices along that line.

Passenger Fares: Mention was made in the last Annual Report of the changes in passenger fares proposed by The New York Central Railroad Company and numerous other carriers, filed to take effect early in this year, and of their suspension by the Commission pending a general investigation. This proceeding, as to The New York Central Railroad Company and its leased lines, was concluded early in July, and an order entered requiring the

cancellation of the tariffs containing the proposed new increased fare schedules. As to the other carriers involved, they all expressed consent to the cancellation of their relating fare schedules, and September 12, 1916, the Commission entered an order directing such cancellations to be made on or before September 30, 1916. In these same tariffs new increased fares were stated to apply between points in this State over interstate routes, and such fares were not disturbed by the carriers or the Federal Commission.

After this Commission's case was determined, the trunk line carriers generally adopted the practice of stating New York state and interstate fares in separate tariffs, and to make such changes required the filing of numerous new and amendatory tariff publications.

Generally speaking, there have been no important changes during this year in intrastate passenger fares of either steam or electric railroad corporations for travel by use of one-way, round-trip, or commutation tickets. The only change in mileage book rates made which operated to increase the price of such travel was that made by The Ulster and Delaware Railroad Company.

Freight Rates: Since the general advance by 5 per cent in freight rates made late in 1914 and early in 1915, there have been no further general advances in local or joint class rates. The carriers operating in Central Freight Association Territory, however, did file in September, this year, new local and joint class rate tariffs to become effective in December, 1916, in which it was proposed to make some very substantial increases over their present local and joint class rates applying between points in that territory. These proposed rates as to this State would only affect shipping between points west of Buffalo and Salamanca and the New York-Pennsylvania state line. The effective dates of these tariffs, as to interstate application, were suspended by the Interstate Commerce Commission until March 31, 1917, and as to New York state application they were postponed until the same date under special permission from this Commission given upon applications made by the carriers.

The most important changes in class rates have been accomplished through changes made in the official classification ratings, the Official Classification being the governing schedule for all class

rate tariffs. The one classification and fifteen supplements thereto filed this year made 2058 changes, 405 of which provided specific ratings on articles not before listed in the classification, 246 were changes in ratings from higher to lower classes, 414 were changes in ratings from lower to higher classes, and 993 changes affected description of articles and packing requirements.

For a number of years a committee known as the Uniform Classification Committee has been working to bring about one classification to apply generally throughout the United States, and while it is understood that the work is far from being completed, substantial progress has been made along certain lines. It is understood that many of these changes in the official classification made during this year were so made upon recommendation of the Uniform Classification Committee.

Quite the usual number of changes were made in specific commodity rates. The highway construction programme of the State and Counties has directly caused many changes in rates on sand, gravel, stone, cement, and other road building materials. The use of agricultural lime as a land fertilizer has largely increased, and in order to move this commodity from points of production to distributing points lower freight rates generally were required and provided. Reduced rates between specific points not before covered have been made on asphaltum, asphaltum substances, asphalt paving blocks, brick, certain iron and steel articles, lumber, milk, and numerous other articles. Some advances in rates have been made on salt, paper, and paper articles, and in numerous instances carload minimum weights have been increased.

Freight Traffic Service: Section 37 of the Public Service Commissions Law, in substance, requires that railroad corporations shall, upon reasonable notice, furnish sufficient and suitable cars to shippers applying therefor for the transportation of property in carload lots. Some years ago this Commission entered an order requiring steam railroad corporations to report to it each and every failure to furnish cars ordered by shippers within four days from the date the order was placed. While the shipping this year over the lines of the railroads operating within this Commission's jurisdiction has, according to all information had, been greatly in excess of any of the recent years, and especially so with

respect to carload traffic, there have been but few reports made to the Commission of failure to supply cars ordered within the four-day time limit; and from this it is assumed, even though car shortage has prevailed most of the year in many sections of this country, that the demands of shippers of carload freight, as to this Commission's jurisdiction, have been met without serious delay.

The activities and usefulness of the Commission's traffic inspector located in Buffalo, in looking after the car supply for shippers in and about Buffalo, is evidenced by the numerous informal complaints in the files which were satisfactorily adjusted through prompt attention on his part.

The Commission has kept itself fully informed as to all matters of car supply, and has coöperated with the carriers and the Federal Commission in all practicable ways in their efforts to overcome the causes leading to traffic congestion with resulting embargo establishments.

January 1, 1916, there were 20 embargoes in force against traffic in this jurisdiction. During the year, notices of 250 embargo placements were filed, most of which were of short term duration. At this time there are 51 such embargoes in force.

The terminals and facilities of the New England lines apparently have not been sufficient to care for their traffic needs during most of the last two years, and at various times within that period conditions have become so acute as to stop the acceptance of freight shipments other than live stock, perishable freight, and foodstuffs. During such times the carriers in this State, which is the main gateway into New England, have suffered by being compelled to hold large numbers of loaded cars upon their already fully occupied tracks. The Commission is now endeavoring to find a way by which at least some of the things which have heretofore operated to cause delay in prompt movement of freight traffic between points within this jurisdiction can be remedied.

Gas Corporations and Electrical Corporations: In order that the Commission may at all times be fully informed, the rate schedules of gas corporations and electrical corporations, when tendered for filing, are carefully examined and compared with rate schedules which are to be superseded thereby. During this

year there have been but few changes made in the rates under which gas is furnished, but of the rate changes so made it may be said that approximately 63 per cent operated to reduce the cost to consumers. As to electrical corporations, the number of rates changes were much larger, but as in the case of gas corporations, only to a greater degree, the changes so made have been in favor of the consumer. These examinations also disclosed that extensions of the lines and mains of these corporations into new territory have been quite numerous, and that service under flat rates is being quite generally discontinued and replaced by meter rates. Such changes have always proven to be more satisfactory to the consumer.

Telephone and Telegraph Rates: Examination of the rate schedules of telephone corporations filed indicates that no important changes have been made in the rates or charges for either local telephone service applying in any service area, or for toll service generally throughout the State. Numerous extensions in rural line local service have been made during the year, and this operates to increase the area throughout which toll service rates apply, and to cover these changes has required the issuance of many rate schedule publications.

There have been no changes in the rates and charges for telegraph service, nor in the territory served by such corporations.

Special Permissions to Amend Rate Publications on Short Notice: Upon applications received therefor, and for good cause shown, the Commission issued 629 special permissions authorizing changes in tariffs and rate schedules on shorter notice than provided by statute. Of such special permissions, 3 were issued to express companies; 557 to steam railroad corporations; 39 to electric railroad corporations; 2 to rail and water carriers; 1 to baggage and transfer companies; 4 to gas corporations; 17 to electrical corporations; and 6 to telephone corporations.

Correspondence Complaints: The number of correspondence complaints handled informally by this division was 13 relating to express traffic, 1 to accommodations in the cars of the parlor and sleeping car company, 152 to freight traffic and 14 to passenger traffic of steam railroads, 2 to freight traffic and 4 to passenger

traffic of electric railroads, 1 to excessive rates of telephone corporations, and 6 to rates and service of electrical corporations. In addition, there were 329 statements and memoranda prepared in relation to complaints and cases before the Commission.

All of which is respectfully submitted.

January 8, 1917.

SEYMOUR VAN SANTVOORD,
DEVOE P. HODSON,
WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

APPENDIX A

**RESULTS OF OPERATIONS, FINANCIAL AND TRAFFIC TOTALS SUM-
MARIZED BY YEARS: STEAM RAILROAD CORPORATIONS, ELECTRIC
RAILROAD CORPORATIONS, ELECTRICAL CORPORATIONS, ELEC-
TRICAL AND GAS CORPORATIONS, COAL GAS AND WATER GAS
CORPORATIONS, NATURAL GAS CORPORATIONS, AND TELEPHONE
CORPORATIONS.**

.....

ELECTRIC RAILROAD CORPORATIONS: Results of operations of electric railroads, totals summarized by years.

	Railway tax accruals		Interest charges		Revenue car-miles	
1907.....	887	.....	3,804	.....	80,000	.....
1908.....	1,065	20.1	4,536	19.2	85,446	6.8
1909.....	1,161	9.0	4,960	9.3	86,144	0.8
1910.....	1,312	13.0	5,141	3.6	93,557	8.6
1911.....	1,442	9.9	5,293	3.0	96,474	3.1
1912.....	1,535	6.4	5,441	2.8	97,894	1.5
1913.....	1,784	16.2	7,009	28.8	102,197	4.4
1914.....	1,961	9.9	7,656	9.2	106,177	3.9
1915.....	1,991	1.5	8,037	5.0	103,347	D 3.7
1916.....	1,993	0.1	7,686	D 4.4	104,396	1.0
	Railway operating income		Other deductions from gross income		Operating ratio %	
1907.....	6,152	.....	243	.....	64.41	.....
1908.....	6,219	1.1	277	14.0	66.30	1,658
1909.....	6,349	2.1	340	22.7	66.40	1,808
1910.....	7,628	20.1	635	86.8	64.12	1,872
1911.....	8,804	15.4	840	32.3	62.11	1,909
1912.....	8,648	D 1.8	981	16.8	63.65	1,943
1913.....	8,993	4.0	1,220	24.4	64.35	1,995
1914.....	9,360	4.1	1,338	9.7	64.69	1,995
1915.....	8,909	D 4.8	1,296	D 3.1	64.99	2,037
1916.....	9,357	6.0	1,433	10.6	65.26	2,027

Other deductions from gross income.....	\$133,920	\$144,328	\$127,561	\$63,620	\$81,043	\$100,145	\$255,130	\$455,398
Per cent of gross income.....	3.8%	8.6%	2.9%	1.3%	1.5%	1.7%	4.2%	7.1%
Per cent of increase or decrease:								
Compared with preceding year.....		7.8%	D 11.7%	D 50.1%	27.4%	23.6%	155.8%	78.2%
Compared with first year of series.....		7.8%	D 4.7%	D 52.5%	D 39.5%	D 25.5%	91.3%	240.8%
Net income.....								
Per cent of gross income.....	\$602,676	\$1,285,959	\$1,667,508	\$2,319,538	\$3,021,995	\$3,439,161	\$3,358,960	\$3,462,891
Per cent of increase or decrease:	17.2%	32.2%	38.1%	49.0%	55.2%	57.8%	55.5%	53.6%
Compared with preceding year.....		113.4%	20.7%	39.1%	30.3%	13.8%	112.3%	3.1%
Compared with first year of series.....		113.4%	176.7%	284.9%	401.4%	470.6%	457.3%	474.6%
Dividends during year.....								
Per cent of gross income.....	\$551,182	\$544,079	\$956,271	\$1,120,464	\$1,226,719	\$1,335,082	\$1,438,933	\$1,399,773
Per cent of increase or decrease:	15.7%	13.6%	21.9%	23.7%	22.4%	22.4%	23.8%	21.7%
Compared with preceding year.....		D 1.5%	75.8%	17.2%	9.5%	8.8%	7.8%	D 2.7%
Compared with first year of series.....		D 1.5%	73.5%	103.3%	122.6%	142.2%	161.1%	154.0%

ELECTRICAL AND GAS CORPORATIONS having revenues of \$25,000 or over in either Electric or Gas department: Results of operations, totals summarized by years.

D prefixed to a figure indicates a decrease.

Item	Year shown increase or decrease									
	1906	1909	1910	1911	1912	1913	1914	1915		
Number of corporations reporting.....	33	35	38	39	38	39	40	41		
.....	\$5,688,612	\$6,404,895	\$7,373,880	\$8,969,525	\$10,118,235	\$10,974,051	\$11,718,745	\$13,097,000		
.....	.....	12.6%	15.1%	21.6%	12.8%	8.5%	6.8%	11.8%		
.....	.....	12.6%	29.5%	57.7%	77.9%	92.9%	106.0%	130.2%		
Electric bills.....	\$3,055,379	\$3,606,934	\$4,017,866	\$5,028,647	\$5,653,617	\$6,041,284	\$6,290,581	\$6,537,137		
Per cent of increase or decrease.....	53.7%	56.3%	54.5%	60.1%	55.9%	55.1%	53.7%	49.9%		
.....	.....	18.0%	11.4%	25.2%	12.4%	6.9%	4.1%	3.9%		
.....	.....	18.0%	31.5%	64.5%	85.0%	97.7%	105.8%	113.9%		
Taxes, electric.....	\$316,144	\$331,458	\$375,723	\$468,538	\$541,153	\$595,473	\$637,367	\$741,534		
Per cent of electric operating revenues.....	5.5%	5.2%	5.1%	5.2%	5.3%	5.4%	5.4%	5.7%		
Per cent of increase or decrease.....	.....	5.2%	13.4%	24.7%	15.5%	10.0%	7.0%	16.3%		
Compared with preceding year.....	.....	5.2%	19.2%	43.7%	71.7%	89.0%	102.3%	135.3%		
Compared with first year of series.....	.....	5.2%	19.2%	43.7%	71.7%	89.0%	102.3%	135.3%		
Electric operating income.....	\$2,317,083	\$2,466,505	\$2,980,297	\$3,472,329	\$3,923,513	\$4,337,280	\$4,790,796	\$5,818,400		
Per cent of electric operating revenues.....	40.7%	38.5%	40.4%	38.7%	38.8%	39.5%	40.9%	44.4%		
Per cent of increase or decrease.....	.....	6.4%	20.8%	16.5%	13.0%	10.5%	10.5%	21.4%		
Compared with preceding year.....	.....	6.4%	28.6%	49.9%	69.3%	87.2%	106.8%	151.1%		
Compared with first year of series.....	.....	6.4%	28.6%	49.9%	69.3%	87.2%	106.8%	151.1%		
Gas operating revenues.....	\$5,196,900	\$5,419,031	\$6,010,510	\$6,498,657	\$7,191,633	\$7,538,130	\$7,862,123	\$8,085,865		
Per cent of increase or decrease.....	.....	4.3%	10.9%	8.1%	10.7%	4.8%	4.3%	3.0%		
Compared with preceding year.....	.....	4.3%	15.7%	25.0%	38.4%	45.0%	51.3%	55.8%		
Compared with first year of series.....	.....	4.3%	15.7%	25.0%	38.4%	45.0%	51.3%	55.8%		
Gas operating taxable bills.....	\$3,269,022	\$3,253,081	\$3,543,058	\$3,919,670	\$4,476,262	\$4,945,395	\$5,096,564	\$4,973,065		
Per cent of gas operating revenues.....	62.9%	60.0%	58.9%	60.3%	62.2%	65.6%	64.8%	61.4%		
Per cent of increase or decrease.....	.....	D 0.5%	8.9%	10.6%	14.2%	10.5%	3.1%	D 2.4%		
Compared with preceding year.....	.....	D 0.5%	8.4%	19.9%	36.9%	51.3%	55.9%	52.1%		
Compared with first year of series.....	.....	D 0.5%	8.4%	19.9%	36.9%	51.3%	55.9%	52.1%		
Taxes, gas.....	\$306,649	\$325,146	\$347,404	\$384,985	\$449,137	\$499,815	\$518,208	\$548,871		
Per cent of gas operating revenues.....	9.3%	6.0%	6.8%	5.9%	6.2%	6.6%	6.6%	6.8%		
Per cent of increase or decrease.....	.....	6.4%	6.3%	10.8%	16.7%	11.3%	3.7%	5.9%		
Compared with preceding year.....	.....	6.4%	13.7%	26.0%	46.9%	63.5%	69.5%	79.6%		
Compared with first year of series.....	6.4%	13.7%	26.0%	46.9%	63.5%	69.5%	79.6%		

APPENDIX A: RESULTS OF OPERATIONS

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Gas operating income.....	\$1,632,331	\$1,941,710	\$3,120,084	\$3,194,028	\$3,206,335	\$3,092,919	\$2,247,347	\$3,573,831
Per cent of gas operating revenues.....	31.2%	34.0%	35.3%	33.8%	31.5%	27.8%	33.6%	31.8%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	13.5%	15.1%	3.5%	3.3%	D 7.6%	7.4%	14.5%
Compared with first year of series.....	.....	13.5%	30.7%	35.2%	35.2%	29.0%	38.5%	58.7%
Other operations, net revenue.....	\$206,440	\$358,333	\$377,454	\$375,191	\$396,483	\$423,442	\$392,000	\$302,214
Non-operating income.....	\$290,109	\$407,594	\$501,624	\$549,352	\$554,172	\$396,912	\$431,767	\$464,898
Gross income.....	\$4,435,955	\$5,074,243	\$5,979,429	\$6,590,896	\$7,140,408	\$7,250,552	\$7,851,914	\$9,159,441
Per cent of increase or decrease:								
Compared with preceding year.....	.....	14.4%	17.8%	10.2%	8.3%	1.5%	8.4%	16.5%
Compared with first year of series.....	.....	14.4%	34.8%	48.6%	61.0%	63.4%	77.2%	106.5%
Interest charges.....	\$3,771,825	\$2,991,664	\$3,177,196	\$3,894,604	\$3,947,783	\$4,010,330	\$4,289,320	\$4,585,358
Per cent of gross income.....	62.5%	59.0%	53.1%	59.1%	55.3%	55.3%	54.6%	50.1%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	7.9%	6.2%	22.6%	1.4%	1.6%	7.0%	6.9%
Compared with first year of series.....	.....	7.9%	14.6%	40.5%	42.4%	44.7%	54.7%	65.4%
Other deductions from gross income.....	\$39,491	\$35,983	\$94,516	\$141,526	\$135,432	\$156,243	\$198,795	\$191,707
Per cent of gross income.....	0.9%	0.7%	1.6%	2.1%	1.9%	2.2%	2.5%	2.1%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	D 8.9%	162.9%	49.6%	D 4.3%	15.4%	37.2%	D 3.6%
Compared with first year of series.....	.....	D 8.9%	139.6%	253.4%	242.9%	295.7%	403.4%	385.4%
Net income.....	\$1,624,639	\$2,046,593	\$2,707,615	\$2,534,769	\$3,057,180	\$3,063,989	\$3,373,706	\$4,383,380
Per cent of gross income.....	36.6%	40.3%	45.3%	38.8%	42.8%	42.5%	42.9%	47.8%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	26.0%	32.3%	D 5.6%	D 5.6%	0.9%	9.4%	29.9%
Compared with first year of series.....	.....	26.0%	66.7%	57.3%	57.3%	89.8%	107.7%	169.7%
Dividends c.....	\$1,199,013	\$871,807	\$1,567,753	\$2,823,413	\$2,424,705	\$2,233,089	\$3,627,807	\$5,709,811
Per cent of.....	27.0%	17.2%	26.2%	42.8%	34.0%	30.8%	46.1%	62.3%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	D 37.5%	79.8%	80.1%	D 14.1%	D 7.9%	62.5%	57.4%
Compared with first year of series.....	.....	D 37.5%	30.8%	135.5%	102.2%	86.2%	202.6%	376.2%

Other deductions from gross income.....	\$22,221	\$21,718	\$17,173	\$8,578	\$12,369	\$16,829	\$19,144	\$12,643
Per cent of gross income.....	3.1%	3.0%	2.1%	1.2%	1.9%	2.8%	3.2%	1.9%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	D 2.5%	D 20.8%	D 60.1%	44.2%	36.1%	13.8%	D 33.9%
Compared with first year of series.....	.....	D 2.5%	D 22.7%	D 61.4%	D 44.5%	D 24.5%	D 13.8%	D 43.1%
Net income.....	\$192,881	\$206,179	\$270,490	\$221,033	\$174,524	\$108,779	\$50,689	\$101,368
Per cent of gross income.....	27.3%	28.4%	38.8%	30.4%	26.6%	17.1%	8.6%	15.4%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	6.9%	31.2%	D 18.5%	D 21.1%	D 40.5%	D 61.2%	100.0%
Compared with first year of series.....	.....	6.9%	40.2%	14.6%	D 9.5%	D 46.8%	D 73.7%	D 47.4%
Dividends during year.....	\$96,543	\$95,223	\$74,229	\$108,860	\$101,047	\$99,217	\$108,652	\$235,735
Per cent of gross income.....	13.7%	13.1%	9.3%	15.0%	15.4%	16.3%	18.4%	35.8%
Per cent of increase or decrease:								
Compared with preceding year.....	.....	D 1.4%	D 22.0%	46.7%	D 7.2%	D 1.8%	9.5%	117.0%
Compared with first year of series.....	D 1.4%	D 23.1%	12.8%	4.7%	2.8%	12.5%	144.2%

APPENDIX A: RESULTS OF OPERATIONS

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Other deductions from gross income	\$134,529	\$76,167	\$67,503	\$53,873	\$77,305	\$82,091	\$20,578	\$22,525
Per cent of gross income	0.8%	2.7%	2.3%	2.0%	2.6%	3.9%	0.8%	0.9%
Per cent of increase or decrease:								
Compared with preceding year	.....	D 44.5%	D 11.3%	D 80.7%	44.5%	6.1%	D 74.9%	9.5%
Compared with first year of series	.....	D 44.5%	D 60.5%	D 60.5%	D 45.5%	D 59.9%	D 84.8%	D 83.5%
.....	\$3,026,576	\$2,586,937	\$2,680,428	\$2,439,131	\$3,793,623	\$1,946,352	\$2,324,074	\$2,218,800
.....	85.5%	91.0%	92.0%	92.6%	93.4%	91.9%	93.7%	93.3%
.....	.....	26.7%	4.4%	D 9.0%	14.5%	D 30.3%	19.4%	D 4.5%
.....	.....	26.7%	32.3%	20.4%	37.8%	D 4.0%	14.7%	9.5%
Dividends during year	\$1,615,900	\$1,569,552	\$1,379,864	\$1,618,224	\$1,953,345	\$637,107	\$908,760	\$1,154,775
Per cent of gross income	88.1%	55.7%	47.4%	61.5%	65.3%	30.1%	36.6%	48.6%
Per cent of increase or decrease:								
Compared with preceding year	.....	D 8.9%	D 12.1%	17.3%	20.7%	D 67.4%	42.6%	27.1%
Compared with first year of series	.....	D 8.9%	D 14.6%	0.1%	20.9%	D 60.6%	D 45.5%	D 86.5%

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TELEPHONE CORPORATIONS: Results of operations, totals summarized by years.

D prefixed to a figure indicates a decrease.

Item	Years ended December 31			
	1912	1913	1914	1915
Number of corporations reporting..	129	109	102	102
Telephone operating revenues.....	\$64,648,381	\$69,118,723	\$70,415,705	\$75,055,682
Per cent of increase or decrease:				
Compared with preceding year....	.....	6.9%	1.9%	6.6%
Compared with first year of series	.....	6.9%	8.9%	16.1%
Telephone operating expenses.....	\$36,998,481	\$41,107,881	\$43,086,223	\$44,750,024
Per cent of telephone operating				
revenues.....	57.2%	59.5%	61.2%	59.6%
Per cent of increase or decrease:				
Compared with preceding year....	.....	11.1%	4.8%	3.9%
Compared with first year of series	.....	11.1%	16.5%	20.9%
Net other operating revenues.....	.....	\$6,456	\$10,328	\$2,465
Uncollectible operating revenues....	\$414,377	\$317,944	\$339,067	\$368,729
Per cent of telephone operating				
revenues.....	0.6%	0.5%	0.5%	0.5%
Per cent of increase or decrease:				
Compared with preceding year....	.....	D 23.5%	6.6%	8.7%
Compared with first year of series	.....	D 23.5%	D 18.2%	D 11.0%
Taxes assignable to telephone opera-				
tions.....	\$3,582,888	\$3,889,673	\$4,092,214	\$4,350,869
Per cent of telephone operating				
revenues.....	5.5%	5.6%	5.8%	5.8%
Per cent of increase or decrease:				
Compared with preceding year....	.....	8.6%	5.2%	6.3%
Compared with first year of series	.....	8.6%	14.2%	21.4%
Telephone operating income.....	\$23,652,638	\$23,809,681	\$22,887,973	\$25,589,029
Per cent of telephone operating				
revenues.....	36.6%	34.4%	32.5%	34.1%
Per cent of increase or decrease:				
Compared with preceding year....	.....	0.7%	D 3.9%	11.8%
Compared with first year of series	.....	0.7%	D 3.2%	8.2%
Non-operating income.....	\$35,113,575	\$38,128,206	\$37,747,416	\$36,597,019
Gross income.....	\$58,766,219	\$61,937,891	\$60,635,378	\$62,186,051
Per cent of increase or decrease:				
Compared with preceding year....	.....	5.4%	D 2.1%	2.6%
Compared with first year of series	.....	5.4%	8.2%	5.8%
Interest charges.....	\$9,768,001	\$12,152,231	\$12,641,012	\$10,675,146
Per cent of gross income.....	16.6%	19.6%	20.8%	17.2%
Per cent of increase or decrease:				
Compared with preceding year....	.....	24.4%	4.0%	D 15.6%
Compared with first year of series	.....	24.4%	29.4%	9.3%
Other deductions from gross income	\$2,078,387	\$2,534,417	\$2,681,805	\$2,773,605
Per cent of gross income.....	3.5%	4.1%	4.4%	4.5%
Per cent of increase or decrease:				
Compared with preceding year....	.....	21.9%	5.8%	3.4%
Compared with first year of series	.....	21.9%	29.0%	33.4%
Net income.....	\$46,919,828	\$47,251,277	\$45,312,559	\$48,737,304
Per cent of gross income.....	79.8%	76.3%	74.7%	78.4%
Per cent of increase or decrease:				
Compared with preceding year....	.....	0.7%	D 4.1%	7.6%
Compared with first year of series	.....	0.7%	D 3.4%	3.9%
Dividends during year.....	\$36,506,689	\$37,525,236	\$37,677,188	\$39,259,728
Per cent of gross income.....	62.1%	60.6%	62.1%	63.1%
Per cent of increase or decrease:				
Compared with preceding year....	.....	2.8%	0.4%	4.2%
Compared with first year of series	2.8%	3.2%	7.5%

APPENDIX B

COST OF FUEL FOR STEAM POWER USED IN GENERATING ELECTRICITY.

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PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Comparing cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1915; December 31, 1914; December 31, 1913; December 31, 1912, and December 31, 1911. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports.

Rank in order of fuel use	Name of corporation	Year	Units of electricity generated by steam power	Coal used for steam power in generating electricity	Pounds	Pounds	Av. fuel cost		Av. cost per kw. h. purchased	Per cent of total kw. h.				Ratio of fuel expense to production expense
			(d)	(e)	(f)	(g)	Dollars	Cents	(j)	Generated by steam	Generated by water	Purchased	(m)	%
(a)	(b)	(c)	Kw. hours	Pounds	Pounds	Pounds	Dollars	Cents	(j)	(k)	(l)	(m)	(n)	%
A. Corporations generating electricity largely by steam power:														
4	Port Jervis Lt. and Pr.	1915	1,016,209	13,018,700	12.81	13,576	2.09	1.34	0.75	52.7	.....	47.3	46.0	
		1914	1,671,713	13,625,890	8.09	14,236	2.12	0.86	0.75	81.9	.....	18.1	51.7	
		1913	1,166,193	11,276,000	9.67	11,462	2.03	0.98	0.75	61.8	.....	38.2	44.9	
		1912	1,033,925	8,217,000	7.95	9,232	2.25	0.89	0.75	58.6	.....	41.4	41.3	
		1911	529,735	5,485,260	10.35	5,858	2.14	1.11	0.75	33.8	.....	66.2	37.3	
6	Norwich Gas and El.	1915	516,124	5,956,000	11.54	8,793	2.95	1.70	.....	100	.....	.....	60.4	
		1914	487,814	6,135,000	13.11	8,436	2.75	1.89	.....	100	.....	.....	61.7	
		1913	438,928	5,022,000	11.44	6,905	2.76	1.57	.....	100	.....	.....	57.8	
		1912	298,295	4,220,000	14.15	5,426	2.57	1.82	.....	100	.....	.....	55.1	
		1911	276,193	3,470,000	12.56	4,990	2.88	1.81	.....	100	.....	.....	53.5	
9	Suffolk Lt., Ht. and Pr.	1915	675,048	5,952,000	8.82	10,041	3.37	1.49	.....	100	.....	.....	52.6	
		1914	627,800	5,195,320	8.28	8,797	3.39	1.41	.....	100	.....	.....	52.6	
		1913	555,490	4,243,590	7.64	7,957	3.76	1.43	.....	100	.....	.....	52.1	
		1912	548,558	4,188,000	7.63	7,898	3.77	1.44	.....	100	.....	.....	53.6	
		1911	493,780	3,936,920	7.97	7,311	3.71	1.48	.....	100	.....	.....	54.5	
12	Liberty Lt. and Pr.	1915	414,575	3,452,000	8.33	4,477	2.59	1.08	.....	100	.....	.....	47.3	
		1914	428,409	3,788,000	8.84	5,315	2.80	1.24	.....	100	.....	.....	56.7	
13	Danville Gas and El.	1915	488,220	4,062,000	8.32	5,246	2.58	1.07	.....	100	.....	.....	53.6	
		1914	470,120	4,244,000	9.03	5,626	2.65	1.20	.....	100	.....	.....	49.1	
		1913	522,145	4,676,000	8.96	6,228	2.68	1.19	.....	100	.....	.....	53.0	
		1912	532,150	5,235,000	9.84	6,778	2.59	1.27	.....	100	.....	.....	56.5	
		1911	519,335	4,972,000	9.57	6,570	2.64	1.27	.....	100	.....	.....	54.2	
15	Central New York Gas and El.	1915	5,402,550	38,562,000	7.14	54,516	2.83	1.01	0.76	58.3	2.4	41.3	50.1	
		1914	5,472,622	38,282,000	7.00	56,325	2.94	1.03	0.75	76.0	12.4	12.6	59.5	
		1913	5,307,249	40,220,000	7.58	58,954	2.93	1.11	5.00	80.4	19.0	.....	66.3	
		1912	4,208,816	27,316,000	6.49	42,415	3.11	1.01	5.00	75.0	25.0	61.2	

APPENDIX B: COST OF FUEL

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	1915	2,147,736	14,714,000	6.85	16,407	2.23	0.76	...	100	59.2
16 Hornell El.	1915	495,010	3,250,000	6.57	4,925	3.03	0.99	3.00	57.7	23.4
17 Huntington Lt and Pr.	1914	499,140	3,382,000	7.21	5,960	3.52	1.27	3.00	71.5	...	...	35.4
	1913	330,120	3,468,000	10.83	6,119	3.53	1.91	3.00	67.8	...	...	37.6
	1912	449,039	4,646,000	10.35	8,132	3.50	1.81	...	100	...	...	57.3
	1911	398,947	4,934,000	12.37	6,199	2.51	1.56	...	100	...	...	52.8
18 Northern Westchester Ltg	1915	4,120,540	24,875,000	6.04	33,090	2.66	0.90	1.61	86.6	...	...	54.6
	1914	3,817,536	23,003,480	6.03	34,250	2.96	0.90	2.91	93.4	...	...	53.6
	1913	2,898,508	16,180,000	5.58	24,357	3.01	0.84	3.75	99.0	...	...	56.7
	1912	2,867,070	16,616,000	5.78	24,322	2.95	0.85	2.75	99.4	...	...	54.5
	1911	2,242,038	12,108,000	5.38	17,345	2.87	0.77	3.03	95.7	...	...	49.8
19 Pottskill Ltg. and R.R.	1915	2,105,281	12,376,000	5.88	17,408	3.07	0.83	2.75	100	...	...	58.7
	1914	2,115,434	12,726,000	6.01	17,933	3.05	0.85	2.75	100	...	...	57.5
	1913	2,442,145	13,256,000	5.43	18,791	3.07	0.77	2.75	99.6	...	...	50.1
	1912	1,999,015	11,264,000	5.63	16,788	3.14	0.84	2.75	99.2	...	...	55.3
	1911	2,028,937	9,556,000	4.71	13,943	2.92	0.69	2.78	99.9	...	...	52.5
20 Freeport (municipal plant)	1915	1,062,049	5,956,100	5.66	14,099	4.51	1.34	...	100	...	...	58.9
	1914	1,249,407	5,920,320	4.74	10,229	3.45	0.82	...	100	...	...	50.3
	1913	1,160,000	4,600,000	3.97	7,213	3.14	0.62	...	100	...	...	40.3
	1911	730,000	5,000,000	3.85	8,981	3.99	1.23	...	100	...	...	52.2
22 Orange County Ltg.	1915	1,438,930	7,967,900	5.35	11,290	2.83	0.76	...	100	...	...	49.5
	1914	1,417,980	8,676,040	6.12	12,270	2.83	0.86	...	100	...	...	50.5
	1913	1,596,400	9,211,700	5.77	12,837	2.79	0.90	0.56	99.7	...	...	50.7
	1912	1,702,530	9,103,100	5.35	13,025	2.86	0.77	0.99	99.5	...	...	51.1
	1911	1,257,673	8,173,800	6.49	11,034	2.86	0.93	0.75	91.7	...	...	49.9
23 Rockville Center (municipal plant)	1915	695,351	3,693,088	5.31	7,641	4.14	0.88	...	100	...	...	47.7
	1914	592,489	2,820,000	4.76	5,110	3.62	0.86	...	100	...	...	39.7
	1913	565,044	18,270,867	5.78	5,543	3.30	0.98	...	100	...	...	43.6
	1912	406,643	3,494,000	3.53	5,310	3.04	1.20	...	100	...	...	42.6
	1911	403,720	3,054,000	47.56	5,422	3.55	1.34	...	100	...	...	42.6

per kilowatt hour generated as shown in column (f).

Evidently includes

Comparing cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1915; December 31, 1914; December 31, 1913; December 31, 1912; and December 31, 1911. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (continued).

Rank in order of fuel use (a)	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d) Kw. hours	Coal used for steam power in generating electricity ¹ (e) Pounds	Av. lbs. of coal used per kw.h. generated (f) Pounds	Fuel expense for steam power ¹ (g) Dollars	Av. fuel cost			Av. cost per kw.h. purchased (j) Cents	Per cent of total kw.h.			Ratio of fuel expenses to production expenses (m) %
							Per short ton coal used (h) Dollars	Per kw.h. generated by steam (i) Cents	Cents		Gene- rated by steam (k) %	Gene- rated by water (l) %	Pur- chased (m) %	
A. Corporations generating electricity largely by steam power (continued):														
25	Herkimer (municipal plant).....	1915	1,366,200	6,872,000	5.03	9,926	2.80	0.73	.....	100	.....	.....	.....	64.3
		1914	1,288,400	6,536,000	5.07	9,368	2.86	0.73	.....	100	.....	.....	.....	63.1
		1913	1,242,400	6,076,000	4.89	8,621	2.84	0.69	.....	100	.....	.....	.....	65.7
26	Patchogue El. Lt.....	1915	897,720	4,302,000	4.79	8,856	4.12	0.99	.....	100	.....	.....	.....	53.7
		1914	745,770	4,352,000	5.84	8,706	4.00	1.17	.....	100	.....	.....	.....	63.8
		1913	688,090	3,900,000	5.67	6,590	3.38	0.96	.....	100	.....	.....	.....	57.3
		1912	590,160	3,600,000	6.10	7,170	3.98	1.21	.....	100	.....	.....	.....	62.3
		1911	459,918	2,844,000	6.19	4,834	3.40	1.05	.....	100	.....	.....	.....	53.6
27	Olean El. Lt. and Pr.....	1915	5,756,300	26,533,240	4.61	28,913	2.18	0.50	.....	100	.....	.....	.....	62.5
28	Rockland Lt. and Pr.....	1915	7,318,157	32,861,480	4.49	36,464	2.22	0.50	.....	100	.....	.....	.....	51.3
		1914	6,947,282	45,442,660	6.54	51,233	2.25	0.74	4.21	99.5	.....	0.5	.....	51.7
		1913	4,254,976	28,724,240	6.75	37,095	2.59	0.87	.....	100	.....	.....	.....	58.4
		1912	4,043,822	30,592,200	7.56	27,945	1.83	0.69	.....	100	.....	.....	.....	58.9
		1911	3,521,933	23,667,600	7.13	21,431	1.81	0.64	.....	100	.....	.....	.....	53.7
30	Dunkirk (municipal plant).....	1915	1,611,354	7,052,000	4.38	7,898	2.24	0.49	.....	100	.....	.....	.....	48.3
		1914	1,514,625	8,922,800	5.89	12,080	2.71	0.79	.....	100	.....	.....	.....	53.0
		1913	1,527,265	8,630,000	5.65	11,583	2.68	0.76	.....	100	.....	.....	.....	60.6
		1912	1,390,475	8,956,000	6.45	11,417	2.55	0.82	.....	100	.....	.....	.....	64.7
		1911	1,308,700	10,994,000	8.40	10,106	1.84	0.77	.....	100	.....	.....	.....	60.9
31	Cortland County Traction.....	1915	3,743,095	16,336,000	4.36	10,23,687	2.90	0.63	.....	100	.....	.....	.....	1171.7
		1914	2,786,954	12,924,000	4.64	10,17,189	2.66	0.52	.....	100	.....	.....	.....	1164.9
		1913	2,537,341	11,742,000	4.63	10,15,617	2.66	0.51	.....	100	.....	.....	.....	1165.3
		1912	2,274,705	10,826,000	4.76	10,13,749	2.54	0.60	.....	100	.....	.....	.....	1163.2
		1911	1,937,898	9,972,000	5.15	10,12,664	2.54	0.65	100	1166.1

APPENDIX B: COST OF FUEL

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32	Long Island Ltg.....	1915 1914 1913 1912 1911	4,274,792 3,554,086 3,140,838 1,288,108 400,790	18,304,940 9,946,330 9,343,180 9,912,007 5,132,000	4.26 3.90 4.26 7.71 12.80	24,346 14,306 13,808 18,968 7,542	2.68 2.67 2.85 3.88 2.95	0.57 0.58 0.63 1.48 1.89	3.00 3.00 3.00 2.96 7.10	97.3 98.8 99.1 92.0 98.1	2.2 1.3 0.9 8.0 1.9	53.0 53.9 49.6 53.4 45.0
33	Sayre Electric.....	1915 1914 1913 1912 1911	3,052,855 3,065,149 2,086,885 2,849,829 2,735,430	12,855,100 13,532,640 12,708,000 12,132,000 12,320,000	4.21 4.41 4.35 4.58 4.51	16,235 16,681 18,735 18,021 11,756	2.53 2.47 2.15 1.98 1.91	0.53 0.54 0.47 0.45 0.43	..... ..... ..... ..... .....	100 100 100 100 100	..... ..... ..... ..... .....	..... ..... ..... ..... .....	54.7 60.6 56.5 58.7 57.4
35	LeRoy Hydraulic El. Gas	1915	1,904,676	7,795,000	4.09	10,075	2.59	0.53	.....	99.0	1.0	.....	55.4
36	Nassau Lt. and Pr.....	1915 1914 1913 1912 1911	5,276,300 7,594,700 7,099,800 6,370,500 5,653,400	22,261,486 28,638,988 25,540,698 25,747,126 23,605,700	3.90 3.79 4.02 4.11 4.15	43,927 39,483 39,371 35,403 32,199	2.72 2.76 2.75 2.75 2.73	0.53 0.53 0.55 0.56 0.57	8.39 10.20 8.88	99.8 99.9 99.9 100 100	..... ..... ..... ..... .....	0.2 0.1 0.1	57.5 52.3 60.4 55.7 57.7
38	Westchester Ltg.....	1915 1914 1913 1912 1911	18,494,380 16,343,641 16,542,566 14,164,463 17,716,838	71,480,540 64,577,120 71,975,680 64,326,080 71,438,080	3.87 3.97 4.25 4.54 4.03	84,836 74,048 80,251 78,882 76,583	3.66 3.30 3.23 3.45 3.14	0.46 0.45 0.49 0.55 0.43	1.14 1.91 0.88 2.25	85.4 86.6 100 77.0 97.4	..... ..... ..... ..... .....	14.6 13.4 23.0 2.6	47.5 40.3 45.3 45.8 56.0
39	Orange and Rockland El.....	1915 1914 1913	1,742,325 2,203,780 2,473,000	6,635,000 6,978,640 6,245,100	3.31 3.17 3.53	9,694 10,419 9,099	3.92 3.96 3.91	0.55 0.47 0.37	..... ..... .....	100 100 100	..... ..... .....	..... ..... .....	53.9 52.1 57.1
41	Central Hudson Gas and El.....	1915 1914 1913 1912 1911	15,570,610 12,489,400 11,133,760 9,798,510 6,113,156	58,585,600 60,690,700 50,315,200 45,463,400 23,518,000	3.76 4.36 4.80 4.64 3.85	87,118 90,408 77,127 75,154 33,689	2.98 2.98 3.08 3.24 2.36	0.56 0.72 0.69 0.77 0.56	0.59 0.52 0.59 0.60 0.66	90.2 83.4 83.4 64.8 73.6	..... ..... ..... ..... .....	9.8 17.6 11.6 33.2 26.4	54.3 60.0 56.2 48.8 46.8

* Numbered from highest to some cases fuel used in keeping per ton of coal received during 3 only for energy used or sold by used at reported average price June 19 to December 31, 1911. estimated. * In addition to water gas tar estimated at 1¢ on

Comparing cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1915; December 31, 1914; December 31, 1913; December 31, 1912; and December 31, 1911. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (continued).

Rank in order of fuel use (a)	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d) Kw. hours	Coal used for steam power in generating electricity ¹ (e) Pounds	Av. lbs. of coal used per kw.h. generated (f) Pounds	Fuel expense for steam power ¹ (g) Dollars	Av. fuel cost		Av. cost per kw.h. purchased (j) Cents	Per cent of total kw.h.			Ratio of fuel expense to production expense (m) %
							Per short ton coal used (h) Dollars	Per kw.h. generated by steam (i) Cents		Generated by steam (k) %	Generated by water (l) %	Purchased (m) %	
A. Corporations generating electricity largely by steam power (concluded):													
42	Fulton Lt., Ht. and Pr.....	1915	2,703,489	10,064,920	3.72	13,039	2.59	0.48	.....	96.2	3.8	.....	54.1
		1914	3,010,125	11,253,400	3.73	14,598	2.59	0.48	.....	100	.....	.....	53.7
		1913	2,624,950	12,056,700	4.59	15,501	2.57	0.59	.....	100	.....	.....	54.7
		1912	1,831,650	8,306,000	4.53	10,694	2.57	0.58	.....	85.5	14.5	.....	52.1
		1911	1,695,300	3,764,000	2.22	3,739	1.99	0.22	.....	100	.....	.....	32.1
43	Binghamton Lt., Ht. and Pr.....	1915	8,539,954	31,288,300	3.66	39,957	2.55	0.47	.....	100	.....	.....	68.1
		1914	7,785,919	26,262,000	3.37	38,067	2.90	0.49	.....	100	.....	.....	64.2
		1913	7,292,777	30,038,400	4.12	36,701	2.45	0.50	.....	100	.....	.....	68.9
		1912	6,208,040	25,229,600	4.06	28,036	2.22	0.45	.....	100	.....	.....	65.0
		1911	5,400,030	22,474,000	4.16	25,355	2.26	0.47	.....	100	.....	.....	65.7
44	Jamestown (municipal plant).....	1915	2,399,610	8,776,000	3.66	9,266	2.11	0.39	.....	100	.....	.....	45.9
		1914	2,063,140	11,476,000	5.56	12,429	2.17	0.60	.....	100	.....	.....	48.5
		1913	2,000,180	11,022,000	5.51	12,986	2.36	0.65	.....	100	.....	.....	56.7
		1912	1,969,360	10,672,000	5.42	12,334	2.31	0.63	.....	100	.....	.....	55.8
		1911	1,806,220	11,108,000	6.15	11,594	2.09	0.64	.....	100	.....	.....	56.5
47	Elmira Water, Lt. and R.R.	1915	26,768,260	54,442,000	2.03	59,614	2.19	0.22	.....	100	.....	.....	67.6
		1914	24,847,440	66,429,820	2.67	86,092	2.59	0.36	.....	100	.....	.....	59.8
		1913	19,523,350	88,502,900	4.53	104,498	2.36	0.54	.....	100	.....	.....	60.8
		1912	16,423,450	74,052,000	4.51	81,487	2.20	0.50	.....	100	.....	.....	63.4
		1911	13,290,351	58,335,540	4.39	66,011	2.26	0.50	.....	100	.....	.....	64.3
	Totals.....	1915	135,027,637	550,163,574	4.07	715,322	2.60	0.53	.....	.....	.....	.....	.....
		1914	114,004,845	505,974,388	4.44	679,653	2.69	0.60	.....	.....	.....	.....	.....
		1913	101,040,417	495,322,023	4.90	648,377	2.62	0.64	.....	.....	.....	.....	.....
		1912	83,149,408	425,004,113	5.11	553,580	2.61	0.67	.....	.....	.....	.....	.....
		1911	70,756,372	339,864,900	4.80	405,806	2.39	0.57	.....	.....	.....	.....	.....

B. Corporations generating electricity largely by hydraulic power.

	4.7
	26.8
	32.6
	37.0
	27.0
	45.3
	39.7
	35.3
	22.8
	30.1
	36.2
	30.7
	45.4
	52.1
	50.4
	53.8
	57.8
	54.0
	52.3
	23.0
	23.2
"	39.2
	29.3
	31.1
	15.9
	15.4
	24.4
	31.7
	28.2
	22.8
	22.8

* Includes
 " Based
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 id in 1913.
 one gallon.

and pounds of coal used per kilowatt hour generated, for years ended December 31, 1915; December 31, 1911. The companies named have revenues over \$25,000 per annum, and

Rank in order of fuel use *	Com	(a)	B. Corporations generating electricity largely by hydraulic power (concluded):									
			Av. lbs. of coal used per kw.h. generated		Fuel expenses for steam power		Av. fuel cost		Per cent of total kw.h.			Ratio of fuel expenses to production expense
			(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	
			Pounds	Dollars	Dollars	Cents	Cents	%	%	%	%	%
45	Upper Hudson El. and R.R.		1915 1,071,880	3,782,000	3.53	6,943	3.67	0.65	49.0	51.0	.....	44.5
			1914 1,290,071	5,750,000	4.14	10,512	3.66	0.76	71.0	28.4	.....	56.0
			1913 1,131,200	4,678,000	4.14	8,482	3.61	0.75	54.1	45.9	.....	50.5
			1912 1,425,609	5,782,000	4.06	8,601	2.97	0.60	66.5	33.2	.....	47.9
46	Adirondack El. Pr. Corp.		1915 29,146,782	96,148,611	3.80	123,579	2.78	0.46	22.3	73.2	4.5	39.5
			1914 29,567,926	94,178,330	3.19	130,412	2.00	0.46	25.2	59.4	15.4	30.4
			1913 29,800,541	91,858,360	3.06	132,850	2.91	0.44	24.4	58.2	17.4	28.5
			1912 19,216,264	71,807,500	3.74	96,557	2.69	0.50	18.1	71.6	10.3	33.2
			1911 1,721,317	14,760,260	8.58	20,583	2.79	1.20	2.2	94.0	13.8	9.9
	Totals		1915 48,267,927	190,045,271	3.98	263,082	2.77	0.54	.....	.....	.....	.....
			1914 64,419,086	267,247,840	4.15	384,834	2.88	0.50	.....	.....	.....	.....
			1913 53,441,225	231,631,736	5.27	396,848	2.82	0.76	.....	.....	.....	.....
			1912 38,817,001	231,421,182	5.96	317,399	2.74	0.82	.....	.....	.....	.....
			1911 18,599,766	156,427,900	8.41	217,767	2.78	1.17	.....	.....	.....	.....

C. Corporations purchasing over 50 per cent of electricity sold:

	1915	12,180	868,000	71.56	1,506	3.70	13.25	0.91	1.0	99.0	5.5
1 Northern New York Utilities, Inc.											
5 Suffolk Gas and El. Lt.	1915	16,966	186,000	11.65	316	3.39	1.97	3.00	4.3	95.7	2.6
	1914	10,920	142,000	13.00	243	3.41	2.23	3.00	2.9	97.1	1.9
	1913	35,130	404,000	13.92	778	3.41	2.20	0.30	11.4	88.6	7.2
	1912	65,450	1,052,000	16.22	1,920	3.75	3.04	3.00	32.0	68.0	20.0
	1911	150,126	1,936,200	12.90	3,939	4.07	2.62	.....	100	.....	59.6
7 Kingston Gas and	1915	3,815	40,004	10.66	771	3.48	1.85	0.93	0.1	99.9	0.2
	1914	5,800	70,542	12.16	123	3.45	2.12	0.93	0.2	99.8	0.3

APPENDIX B: COST OF FUEL

cix

8	Lockport La., Ht. and Pr.	1915	2,161,740	20,081,000	9.30	28,162	2.80	1.30	0.42	13.7	13.9	72.4	28.3
		1914	2,346,620	19,782,800	8.40	28,267	2.87	1.30	0.38	15.5	15.3	69.2	28.8
11	Municipal Gas, Albany.	1913	2,034,811	18,088,000	8.80	26,340	2.91	1.29	0.34	12.3	6.1	81.6	31.8
		1912	2,179,710	18,072,800	8.30	26,870	2.86	1.19	0.35	12.5	4.9	82.6	28.3
14	Empire Gas and El	1915	4,260	36,000	8.47	64	3.55	1.50	0.90	100	113.0
		1914	90,768	516,000	5.68	916	3.55	1.01	0.90	99.5	115.8
24	Syracuse Ldg.	1913	359,218	2,130,000	5.93	3,727	3.50	1.04	0.87	0.5	...	97.7	114.9
		1912	16,143	115,000	7.12	198	3.45	1.22	0.91	0.1	...	99.9	113.2
37	Niagara, Lockport and Ontario Pr.	1911	284,186	1,600,000	5.28	2,497	3.33	2.05	0.89	2.1	...	97.9	114.1
		1915	3,732,611	27,148,000	7.27	32,801	2.42	0.88	0.63	33.6	...	66.4	34.0
		1914	3,856,080	30,201,800	7.83	39,210	2.59	1.03	0.73	39.8	...	60.2	40.2
		1913	5,067,144	34,799,800	6.87	42,677	2.45	0.84	0.76	49.0	...	51.0	43.2
		1912	8,857,029	35,204,840	9.13	45,440	2.58	1.18	0.67	44.7	...	55.3	48.2
		1911	1,756,160	11,318,000	6.44	14,838	2.62	0.85	0.83	46.0	...	54.0	41.2
		1915	15,407,781	63,302,800	4.11	82,610	2.61	0.54	0.54	29.8	...	70.2	23.8
		1914	9,227,000	49,495,005	5.36	71,281	2.90	0.77	0.57	21.2	...	78.8	20.2
		1913	7,357,718	60,591,000	8.28	81,863	2.55	1.10	0.60	17.4	...	82.6	21.8
		1912	5,741,588	59,436,530	10.35	80,390	2.51	1.38	0.65	15.6	...	84.4	22.7
		1911	2,693,327	32,805,800	12.18	45,341	2.58	1.68	0.77	10.4	...	89.6	15.1
		1915	2,971,560	11,631,068	3.88	13,655	2.37	0.46	0.22	1.1	25.9	73.0	2.7
		1914	6,132,803	23,607,288	2.88	31,218	2.66	0.53	0.23	2.8	12.6	85.1	6.1
		1913	11,299,548	43,561,622	8.86	51,902	2.38	0.46	0.27	3.8	...	96.2	6.2
		1912	1,923,537	5,844,914	3.04	7,714	2.64	0.40	0.27	0.8	...	99.2	1.1
	Totals.	1915	24,309,845	123,198,632	5.07	159,286	2.59	0.66
		1914	21,670,131	128,665,385	5.71	171,357	2.77	0.79
		1913	26,153,599	159,924,422	6.11	207,284	2.59	0.79
		1912	13,783,467	119,736,074	8.69	161,602	2.70	1.17
		1911	4,883,798	47,580,000	9.74	66,513	2.80	1.36
	Grand totals.	1915	207,705,409	863,402,477	4.16	1,137,540	2.64	0.55
		1914	200,094,011	896,887,413	4.48	1,235,344	2.76	0.62
		1913	180,635,231	936,878,181	5.19	1,252,504	2.67	0.68
		1912	135,749,876	776,161,319	6.72	1,082,581	2.66	0.76
		1911	94,239,938	543,352,760	5.77	690,086	2.54	0.73

APPENDIX C

**ACCIDENTS AND BROKEN RAILS REPORTED, STEAM RAILROADS,
YEAR ENDED JUNE 30, 1916.**

[cxi]

PERSONAL INJURIES received while on or about trains, but not resulting from an accident to a train.

Kind	Number	Passengers		Employees		Trespassers		Non-trespassers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Falling from engines, trains, or cars.	330	....	13	19	234	31	30	....	3	50	280
Getting on or off trains while in motion.....	336	4	36	3	161	42	86	....	6	49	289
Getting on or off trains not in motion.....	181	....	130	....	54	....	....	....	....	....	184
Injured while getting on or off trains, by turning ankle, etc....	110	....	3	....	107	....	....	....	....	....	110
Coming in contact with overhead bridges, wires, etc.....	25	....	....	....	19	5	1	....	....	5	20
Striking signal poles, water cranes, coaling stations, or other objects adjacent to tracks.....	62	....	....	2	56	1	2	....	1	3	59
Striking switchstands or interlocking appliances.....	17	....	2	....	12	1	2	....	....	1	16
Striking misplaced portions of passing trains or cars not into clear.	7	....	....	....	7	....	....	....	....	....	7
Coming in contact with cars, etc., on adjacent tracks in proper position.....	50	....	....	3	46	....	....	....	1	3	47
Coming in contact with buildings alongside tracks.....	4	....	....	....	3	....	....	....	1	....	4
Coming in contact with other objects alongside tracks.....	3	....	....	....	3	....	....	....	....	....	3
Coming in contact with objects because of putting heads or arms out of windows.....	10	....	....	....	10	....	....	....	....	....	10
Struck by missiles thrown in windows.....	6	....	4	....	1	....	....	....	1	....	6
Injured by windows falling.....	17	....	16	....	1	....	....	....	....	....	17
Injured by parcels, bags, etc., falling from racks.....	6	....	6	....	....	....	....	....	....	....	6
Falling over bags, etc., placed in aisles.....	9	....	9	....	1	....	....	....	....	....	10
Catching fingers in doors, passenger cars.....	38	....	31	....	7	....	....	....	....	....	38
Catching fingers in doors, freight cars.....	23	....	....	....	18	....	....	....	5	....	23
Occurring while coupling or uncoupling cars.....	94	....	....	3	90	....	....	....	1	3	91
Caught between cars, buffer plates, couplings, etc.....	42	....	2	5	22	2	10	....	1	7	35
Minor injuries to employees from handling equipment where no defect in equipment existed....	616	....	....	....	616	....	....	....	....	....	616
Resulting from setting handbrakes, no defect in equipment..	60	....	....	1	59	....	....	....	....	1	59
Resulting from effect of emergency application of brakes.....	19	....	11	....	17	....	....	....	....	....	28
Injured on account of parting of trains.....	21	....	2	....	22	....	....	....	....	....	24
Resulting from heavy service application of brakes.....	68	....	30	....	42	....	....	....	....	....	72
Resulting from taking up or letting out slack.....	30	....	1	1	26	....	2	....	....	1	29
Resulting from rough handling of cars.....	125	....	48	....	79	....	1	....	14	....	142
Resulting from loads shifting....	33	....	....	2	23	3	4	....	3	5	30
Falling on tops of cars due to physical condition of same.....	8	....	....	....	8	....	....	....	....	....	8
Slipping or falling on tops of cars without cause.....	4	....	....	....	4	....	....	....	....	....	4
Other miscellaneous accidents....	39	....	27	....	6	1	2	....	3	1	38
Totals.....	2,393	4	371	39	1,754	86	140	....	40	129	2,306

APPENDIX C: ACCIDENTS, STEAM RAILROADS cxiii

PERSONAL INJURIES received while on track or adjacent thereto, either from contact with train or other causes.

Kind	Number	Passengers		Employees		Trespassers		Non-trespassers		Total	
		K.	L.	K.	L.	K.	L.	K.	L.	K.	L.
Struck while on track by train...	603	3	5	91	135	233	113	18	23	345	276
Suicide.....	11	.....	.....	.....	.....	11	.....	.....	.....	11	.....
Alighting from train directly in front of another.....	8	1	10	1	3	.....	1	.....	.....	2	14
Found dead on track, definite cause unknown.....	39	1	.....	5	.....	33	.....	.....	.....	39	.....
Found injured on track, definite cause unknown.....	6	.....	1	.....	1	.....	4	.....	.....	.....	6
Pedestrians at unprotected highway crossings.....	23	.....	.....	.....	.....	.....	.....	13	12	13	12
Pedestrians at highway grade crossings protected by bells....	7	.....	.....	.....	.....	1	1	2	3	3	4
Pedestrians at highway grade crossings protected by flagmen..	22	.....	.....	2	5	.....	.....	8	10	10	15
Pedestrians at highway grade crossings protected by gates....	25	.....	.....	.....	3	7	6	9	3	16	12
Vehicles at unprotected highway grade crossings.....	105	.....	.....	1	.....	.....	.....	41	75	42	75
Vehicles at highway grade crossings protected by bells.....	36	.....	.....	.....	.....	.....	.....	18	23	18	23
Vehicles at highway grade crossings protected by flagmen.....	30	.....	.....	.....	.....	.....	.....	1	33	1	33
Vehicles at highway grade crossings protected by gates.....	27	.....	.....	.....	.....	.....	1	3	12	3	13
Resulting from vehicles running into sides of trains.....	25	.....	.....	.....	.....	1	.....	6	32	7	32
Coming in contact with crossing gates.....	6	.....	.....	.....	.....	.....	.....	.....	7	.....	7
Resulting from catching foot in guard rail.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Resulting from catching foot in switch or accessories.....	3	.....	1	.....	2	.....	.....	.....	.....	.....	3
Resulting from catching foot in other track appliances.....	3	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Stumbling over rails or ties in track.....	39	.....	3	1	33	.....	2	.....	.....	1	38
Stumbling over rails or ties not in track but adjacent thereto....	3	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Slipping on ice, etc., on station platform, stairs, etc.....	10	.....	6	.....	4	.....	.....	.....	.....	.....	10
Slipping on ice, etc., on track, bridges, etc.....	62	.....	3	.....	58	.....	.....	.....	1	.....	62
Walking into turntable or engine pits.....	10	.....	.....	.....	10	.....	.....	.....	.....	.....	10
Chal, etc., falling from trains....	11	.....	3	.....	8	.....	.....	.....	.....	.....	11
Mail pouch thrown from passing trains.....	4	.....	.....	.....	2	.....	1	.....	1	.....	4
Struck while standing on platform too close to track.....	2	1	1	.....	1	.....	.....	.....	.....	1	2
Struck by open or loose car doors.	3	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Caught under cars while repairing them, etc.....	12	.....	.....	.....	5	1	6	.....	.....	1	11
Squeezed between cars and adjacent building.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Injured while throwing switch....	55	.....	.....	.....	55	.....	.....	.....	.....	.....	55
Resulting from exploding torpedoes.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Other miscellaneous accidents....	26	.....	1	1	23	.....	1	.....	.....	1	25
Totals.....	1,221	6	34	102	362	287	136	119	235	514	767

DERAILMENTS to passenger trains.

Cause	Number	Passengers		Employees		Trespassers		Non-trespassers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Broken rails, main track.....	4	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Poor surface, main track.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rails spreading, main track.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rails spreading, sidetrack.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Track out of gauge, main track...	1	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Failure of roadbed, washouts, slides, etc.....	5	.....	8	.....	.....	.....	.....	.....	.....	.....	8
Switch or derail thrown under train.....	1	.....	5	.....	.....	.....	.....	.....	.....	.....	5
Picking switch.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switch improperly adjusted or locked.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switch having been run through..	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective switch.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sharp flange.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switch set wrong, failure to observe position.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Too sharp curvature.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Running off derails, failure to observe position.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Running off derails, failure to observe signal governing.....	3	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Running off derails, failure to begin to stop early enough....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective equipment.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive brakes.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective locomotive machinery..	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive trucks.....	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive wheels.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or hot locomotive journals.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective locomotive axles.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken passenger-car brakes.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken passenger-car wheels.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or hot passenger-car journals.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or hot freight-car journals	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Running off dead-ends or into bumping blocks.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Foreign matter or snow and ice on tracks.....	20	.....	9	.....	6	.....	.....	.....	.....	.....	15
Excessive speed.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Unknown or unaccountable causes	11	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Other miscellaneous accidents....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	113	.....	22	.....	13	.....	.....	.....	.....	.....	35

DERAILMENTS to freight trains.

Cause	Number	Passengers		Employees		Trespassers		Non-trespassers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Broken rails, main track.....	4	.....	.....	1	3	.....	.....	.....	.....	1	3
Broken rails, sidetrack.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Poor alignment, main track.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Poor surface, main track.....	19	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Poor surface, sidetrack.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rails spreading, main track.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rails spreading, sidetrack.....	10	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Track out of gauge, sidetrack....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Failure of roadbed, washouts, slides, etc.....	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Open switches.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switch or derail thrown under train.....	17	.....	.....	.....	1	.....	.....	.....	.....	.....	1

DERAILMENTS to freight trains (concluded).

Cause	Number	Passengers		Employees		Trespassers		Non-trespassers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Picking switch.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switch improperly adjusted or locked.....	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switch having been run through..	23	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Defective frog.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective switch.....	21	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken track appliances.....	6	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Sharp flange.....	13	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Switch set wrong, failure to observe position.....	4	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Too sharp curvature.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Trucks too stiff or failure of trucks to curve.....	17	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Car lifted by adjacent car or locomotive.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rolling of car or engine.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Car, etc., off center.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Load shifting.....	9	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Running off derails, failure to observe position.....	9	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Running off derails, failure to observe signal governing.....	5	.....	.....	1	.....	.....	.....	.....	.....	1	.....
Running off derails, failure of brakes to hold.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Running off derails, failure to begin to stop early enough.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Running off derails, signal governing changed in front of train...	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective locomotive brakes.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive machinery.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive trucks.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive draft rigging.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken locomotive wheels.....	10	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Defective or hot locomotive journals.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective locomotive axles.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken freight-car brakes.....	263	.....	.....	1	12	.....	1	.....	.....	1	13
Defective or broken freight-car machinery.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Old or weak car bodies.....	29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Defective or broken freight-car trucks.....	75	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Defective or broken freight-car draft rigging.....	103	.....	.....	.....	7	.....	.....	.....	.....	.....	7
Defective or broken freight-car wheels.....	131	.....	.....	.....	10	.....	1	.....	.....	.....	11
Defective or hot freight-car journals.....	56	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Defective or broken freight-car axles.....	5	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Running off dead-ends or into bumping blocks.....	11	.....	.....	.....	1	.....	.....	1	.....	.....	2
Foreign matter or snow and ice on tracks.....	46	.....	.....	1	3	.....	.....	.....	.....	1	3
Emergency or heavy application of air-brakes.....	33	.....	.....	.....	4	2	.....	.....	.....	2	4
Buckling of trains or slack running in.....	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Excessive speed.....	7	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Apparent malicious tampering....	2	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Unknown or unascertainable cause.....	26	2	2
Other miscellaneous accidents.....	8	5	5
Totals.....	1,055	4	65	2	2	1	6	68

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PUBLIC SERVICE COMMISSION, SECOND DISTRICT

BUTTING COLLISIONS between passenger trains and freight trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of rules.....	2	....	6	1	3	....	....	....	....	1	9
Short or improper flagging.....	2	....	13	....	2	....	....	....	....	....	15
Totals.....	4	....	19	1	5	....	....	....	....	1	24

BUTTING COLLISIONS between freight trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of signals.....	4	....	....	....	1	....	....	....	....	....	1
Disobedience of rules.....	1	....	....	....	....	....	....	....	....	....	....
Switches misplaced or incorrectly set.....	5	....	....	....	....	....	....	....	....	....	....
Misunderstanding signals.....	2	....	....	....	....	....	....	....	....	....	....
Short or improper flagging.....	5	....	....	....	2	....	....	....	....	....	2
Failure to observe train account smoke, steam, fog, or snow....	1	....	....	....	1	....	....	....	....	....	1
Not obeying instructions or warning.....	4	....	....	....	1	....	....	....	....	....	1
Moving without authority or signal.....	1	....	....	....	5	....	....	....	....	....	5
Careless running.....	14	....	....	2	12	....	....	....	....	2	12
Poor judgment of distance.....	1	....	....	....	....	....	....	....	....	....	....
Defective or inoperative air-brakes.....	1	....	....	....	1	....	....	....	....	....	1
Failure of hand-brakes to hold ...	1	....	....	....	....	....	....	....	....	....	....
Failure to set hand-brakes.....	1	....	....	....	....	....	....	....	....	....	....
Breaking in two, cars running back and colliding with train behind.	3	....	....	....	....	....	....	....	1	....	1
Other miscellaneous accidents.....	1	....	....	....	....	....	....	....	....	....	....
Totals.....	45	....	....	2	23	....	....	....	1	2	24

REAR-END COLLISIONS between passenger trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of signals.....	1	....	....	....	....	....	....	....	....	....	....
Switch misplaced or incorrectly set.....	1	....	6	....	....	....	....	....	....	....	6
Short or improper flagging.....	1	....	4	....	....	....	....	....	....	....	4
Breaking in two and coming together again.....	3	....	....	....	4	....	....	....	....	....	4
Totals.....	6	....	10	....	4	....	....	....	....	....	14

REAR-END COLLISIONS between passenger trains and freight trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of signals.....	3	....	43	....	3	....	....	....	....	....	46
Disobedience of rules.....	1	....	....	....	1	....	....	....	....	....	1
Switch misplaced or incorrectly set.....	2	....	....	....	1	....	....	....	....	....	1
Short or improper flagging.....	3	....	6	....	5	....	....	....	....	....	11
Not obeying instructions or warn-ing.....	1	....	....	....	....	....	....	....	....	....	....
Careless running.....	2	3	1	....	1	....	....	....	....	3	2
Failure of hand-brakes to hold...	1	....	....	....	....	....	....	....	....	....	....
Totals.....	13	3	50	....	11	....	....	....	....	3	61

REAR-END COLLISIONS between freight trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of signals.....	12	.....	.....	.....	9	.....	.....	.....	.....	.....	9
Disobedience of rules.....	2	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Defective signal system.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Switches misplaced or incorrectly set.....	5	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Misunderstanding signals.....	2	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Short or improper flagging.....	10	.....	1	.....	3	.....	.....	.....	.....	.....	4
Failure to observe train on account of fog or snow.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Not obeying instructions or warn-ing.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Moving without authority or sig-nal.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Careless running.....	47	.....	.....	1	27	.....	.....	.....	.....	1	27
Failure of hand-brakes to hold...	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Failure to set hand-brakes.....	5	.....	.....	1	.....	.....	.....	.....	.....	1	.....
Loss of air through successive ap-plication.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Breaking in two and coming to-gether again.....	16	.....	.....	.....	4	.....	.....	.....	.....	.....	4
Other miscellaneous accidents.....	4	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Totals.....	109	.....	1	2	50	.....	.....	.....	.....	2	51

SIDE COLLISIONS between passenger trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Misunderstanding signals.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

SIDE COLLISIONS between passenger trains and freight trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of orders.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Disobedience of signals.....	3	.....	15	.....	7	.....	.....	.....	.....	.....	22
Switch set wrong.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Other miscellaneous accidents.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	7	.....	15	.....	7	.....	.....	.....	.....	.....	22

SIDE COLLISIONS between freight trains.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of signals.....	9	.....	.....	.....	5	.....	.....	.....	.....	.....	5
Disobedience of rules.....	1	.....	.....	.....	4	.....	.....	.....	.....	.....	4
Switch set wrong.....	9	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Misunderstanding signals.....	5	.....	.....	1	2	.....	.....	.....	.....	1	2
Lack of proper protection.....	6	.....	.....	1	2	.....	.....	.....	.....	1	2
Failure to observe train on account fog or snow.....	1
Moving without authority or sig-nal.....	3	1	1
Careless running.....	23	2	4	2	4

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SIDE COLLISIONS between freight trains (concluded).

Cause	Num-ber	Passen- gers		Employees		Tres- passers		Non- tres- passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Poor judgment of distance.....	1	....	....	....	1	....	....	....	....	....	1
Failure of hand-brakes to hold...	7	....	....	....	1	....	....	....	....	....	1
Failure to set hand-brakes.....	9	....	....	....	1	....	....	....	....	....	1
Failure of brakes to hold account of snow and ice on rail.....	2	....	....	....	1	....	....	....	....	....	1
Cars, etc., not into clear.....	13	....	....	....	7	....	....	....	....	....	7
Other miscellaneous accidents....	3	....	....	....	1	....	....	....	....	....	1
Totals.....	92	....	....	4	32	....	....	....	....	4	32

COLLISIONS at grade crossings, steam railroads.

Cause	Num-ber	Passen- gers		Employees		Tres- passers		Non- tres- passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Disobedience of signals.....	2	....	....	....	....	....	....	....	....	....	....

COLLISIONS at grade crossings, steam with electric railroads.

Cause	Num-ber	Passen- gers		Employees		Tres- passers		Non- tres- passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Absence of flagman at crossing...	1	....	....	....	....	....	....	....	1	....	1
Failure of gateman to protect crossing.....	1	....	....	....	....	....	....	....	....	....	....
Misunderstanding between flag- men.....	1	....	....	....	....	....	....	....	12	....	12
Totals.....	3	....	....	....	....	....	....	....	13	....	13

SWITCHING COLLISIONS between freight trains.

Cause	Num-ber	Passen- gers		Employees		Tres- passers		Non- tres- passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Switch set wrong.....	1	....	....	....	....	....	....	....	....	....	....
Careless running.....	1	....	....	....	....	....	....	....	....	....	....
Cars pushed heavily into others or shoved against bumping posts..	50	....	....	1	10	....	....	1	3	2	13
Cars colliding while being humped	38	....	4	....	5	....	....	....	2	....	11
Totals.....	90	....	4	1	15	....	....	1	5	2	24

COLLISIONS with movable objects on wheels adjacent to tracks.

Cause	Num-ber	Passen- gers		Employees		Tres- passers		Non- tres- passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Baggage trucks, etc., not into clear.....	4	....	....	....	2	....	....	....	2	....	4

COLLISIONS with hand-cars.

Cause	Num-ber	Passen-gers		Emplcyees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Various causes such as failure to notice approach of trains.....	4	.....	.....	.....	4	.....	.....	.....	2	...	6

ACCIDENTS resulting from defective equipment.

Cause	Num-ber	Passen-gers		Employees		Tres-passers		Non-tres-passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
<i>Locomotives:</i>											
Flues bursting.....	11	.....	.....	.....	4	.....	.....	.....	.....	.....	4
Arch-tubes bursting or pulling out	1	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Water-glass bursting.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Steam pipe connections coming loose.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Collar on injector pipe blowing off	1	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Squirt-pipe breaking off or bursting.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Steam pipe bursting.....	1	.....	.....	1	1	.....	.....	.....	.....	1	1
Crown-sheets dropping due to low water.....	7	.....	.....	.....	9	.....	.....	.....	.....	.....	9
Bracket studs blowing out.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Other defective boiler apparatus..	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Air-hose bursting.....	2	.....	2	.....	1	.....	.....	.....	.....	.....	3
Side-rods or crossheads.....	4	.....	1	.....	3	.....	.....	.....	.....	.....	4
Eccentric rods.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Reverse lever defective.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Other locomotive machinery.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Apron slipping.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Draft rigging.....	4	.....	.....	.....	4	.....	.....	.....	.....	.....	4
Axles.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	46	.....	3	1	39	.....	.....	.....	.....	1	42
<i>Passenger cars:</i>											
Air-hose bursting.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Defective triple valves.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Brake-beams dropping down.....	1	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Draft rigging.....	1	.....	2	.....	.....	.....	.....	.....	.....	.....	2
Totals.....	4	.....	4	.....	.....	1	.....	.....	.....	.....	5
<i>Freight cars:</i>											
Air-hose bursting.....	14	.....	.....	.....	12	.....	1	.....	.....	.....	13
Defective triple valves.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Brake-staffs breaking or giving way.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Brake-pipes breaking or bursting.	3	.....	.....	.....	3	.....	.....	.....	.....	.....	3
Brake-chains breaking.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Miscellaneous air-brake accidents.	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Grab-irons, lag screws giving way.	6	.....	.....	.....	6	.....	.....	.....	.....	.....	6
Loose doors or defective fittings..	1	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Defective timber in cars.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Grab-irons breaking or missing...	5	.....	.....	.....	5	.....	.....	.....	.....	.....	5
Truck frames broken.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Draft rigging.....	20	14	14
Broken tire.....	1
Journals.....	2
Old or weak car bodies.....	15
Totals.....	75	1	46	1	48

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Miscellaneous Accidents.

Cause	Num- ber	Passen- gers		Employees		Tres- passers		Non- tres- passers		Total	
		K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Coming in contact with live over- head wires.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Coming in contact with other wires carrying high-tension cur- rent.....	2	.....	.....	.....	.....	.....	3	.....	.....	.....	3
Other accidents reported not classified under the above.....	33	.....	.....	4	29	.....	1	.....	5	4	35
Totals.....	36	.....	.....	4	30	.....	4	.....	5	4	39

TOTALS OF ALL ACCIDENTS

Number of accidents.....	5,323
Passengers killed.....	18
Passengers injured.....	534
Employees killed.....	169
Employees injured.....	2,462
Trespassers killed.....	376
Trespassers injured.....	284
Non-trespassers killed.....	129
Non-trespassers injured.....	304
Total all classes killed.....	668
Total all classes injured.....	3,584

APPENDIX C: ACCIDENTS, STEAM RAILROADS

BROKEN RAILS reported for steam railroads for the years July 1, 1914, to June 30, 1915; and July 1, 1915, to June 30, 1916.

[illegible]

APPENDIX D

INSPECTIONS OF GAS AND RESULTS OF TESTS FOR YEAR 1916,
SUMMARIZED WITH RESULTS FOR EIGHT PRECEDING YEARS.

[cxxiii]

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TABLE I: Showing number of tests made in each municipality, kind of gas tested, the number of tests showing the gas to be within the requirements prescribed by law, the number showing deficiencies, and the number of times the gas was found deficient in each particular as to candle-power and impurities. The presence of hydrogen sulphide in gas is prohibited by law.

Place of test	Kind of gas	Num-ber of tests	Number tests showing		Deficiencies			
			Gas to be within requirement prescribed by law	Deficiencies either as to candle-power, or both impurities, or both	Candle-power below standard	Excessive sulphur	Excessive ammonia	Presence of sulphuretted hydrogen
Albany.....	Water....	24	4	21	20	1	0	0
Albion.....	Coal.....	5	0	5	5	0	0	0
Amsterdam.....	Mixed....	8	4	4	4	0	0	0
Auburn.....	Coal.....	6	6	0	0	0	0	0
	Coal.....	11	0	13	11	0	0	2
Bath.....	Water....	2	0	4	2	0	0	2
Bay Shore.....	Water....	4	2	2	2	0	0	0
Beacon.....	Water....	22	4	20	16	0	0	4
Binghamton.....	Water....	7	1	9	6	0	0	3
Brockport.....	Water....	15	15	0	0	0	0	0
Buffalo.....	Coal.....	6	0	9	6	0	3	0
Canandaigua.....	Coal.....	17	3	14	13	1	0	0
Canastota.....	Coal.....	6	0	6	6	0	0	0
Catskill.....	Coal.....	6	0	6	6	0	0	0
Clifton Springs.....	Coal.....	6	5	2	1	1	0	0
Cohoes.....	Water....	5	5	0	0	0	0	0
Corning.....	Water....	11	2	12	7	0	0	5
Cortland.....	Water....	5	5	0	0	0	0	0
Dansville.....	Coal.....	8	1	9	7	0	0	0
Fort Plain.....	Water....	5	3	2	1	0	0	1
Fulton.....	Water....	3	0	4	1	0	0	3
Geneseo.....	Coal.....	7	2	5	5	0	0	0
Geneva.....	Coal.....	5	0	5	5	0	0	0
Glen Cove.....	Coal.....	6	0	13	6	3	0	4
Glens Falls.....	Water....	7	0	11	7	0	0	4
Goshen.....	Coal.....	11	1	13	9	4	0	0
Granville.....	Coal.....	6	4	2	0	0	1	1
Haverstraw.....	Water....	6	0	9	4	0	0	5
Hempstead.....	Water....	6	2	5	3	0	0	2
Herkimer.....	Water....	16	0	22	16	0	0	6
Hudson.....	Water....	7	0	10	4	1	0	5
Huntington.....	Water....	6	3	3	3	0	0	0
Ithaca.....	Water....	6	0	8	5	0	0	3
Johnstown.....	Coal.....	9	3	8	5	0	3	0
Kenmore.....	Water....	17	11	6	6	0	0	0
Kingston.....	Coal.....	1	0	1	1	0	0	0
Little Falls.....	Mixed....	14	6	8	8	0	0	0
Lockport.....	Water....	8	1	10	7	0	0	3
Lyons.....	Coal.....	12	4	9	8	1	0	0
Malone.....	Coal.....	5	0	6	5	0	0	1
Mechanicville.....	Coal.....	6	0	6	6	0	0	0
Medina.....	Water....	5	0	6	3	0	0	3
Middletown.....	Coal.....	5	0	6	5	0	0	1
Mt. Vernon.....	Water....	9	5	4	4	0	0	0
Newark.....	Water....	25	20	5	5	0	0	0
	Mixed....	1	1	0	0	0	0	0
Newburgh.....	Coal.....	5	0	7	5	0	0	2
	Water....	1	0	2	1	0	0	1
Niagara Falls.....	Water....	14	11	3	3	0	0	0
Norwich.....	Coal.....	8	0	10	8	0	1	1
Nyack.....	Water....	6	1	6	5	0	0	1
Ogdensburg.....	Water....	8	7	1	0	0	0	1
Oneida.....	Coal.....	8	3	5	5	0	0	0
Oneonta.....	Coal.....	5	0	6	5	0	1	0
Ossining.....	Water....	7	2	6	5	0	0	1
Oswego.....	Water....	9	5	4	1	0	0	3
Owego.....	Coal.....	10	2	10	8	1	1	0
Palmyra.....	Coal.....	5	0	10	5	1	4	0
Peekskill.....	Coal.....	5	0	8	5	0	0	3
Penn Yan.....	Water....	10	10	0	0	0	0	0
Plattsburgh.....	Coal.....	5	0	5	5	0	0	0
	Water....	7	3	4	0	0	0	4

TABLE I (concluded)

Place of test	Kind of gas	Num-ber of tests	Number tests showing		Deficiencies			
			Gas to be within requirement prescribed by law	Deficiencies either as to candle-power, impurities, or both	Candle-power below standard	Excessive sulphur	Excessive ammonia	Presence of sulphuretted hydrogen
Port Jervis.....	Water.....	8	2	6	6	0	0	0
Poughkeepsie.....	Water.....	19	15	4	3	1	0	0
Queens Borough.....	Water.....	8	5	3	0	0	0	3
Rensselaer.....	Water.....	7	3	4	4	0	0	0
Rochester.....	Mixed.....	21	21	0	0	0	0	0
Rome.....	Coal.....	10	6	5	4	1	0	0
	Mixed.....	2	2	0	0	0	0	0
Sag Harbor.....	Water.....	7	0	11	7	0	0	4
Saratoga Springs.....	Water.....	12	5	8	6	0	0	2
Saranac Lake.....	Water.....	6	1	7	5	0	0	2
Saugerties.....	Coal.....	5	4	1	1	0	0	0
Schenectady.....	Coal.....	23	19	4	3	0	0	1
Seneca Falls.....	Coal.....	4	0	4	4	0	0	0
Suffern.....	Water.....	6	0	10	3	1	0	6
Syracuse.....	Water.....	19	18	1	1	0	0	0
Tarrytown.....	Water.....	11	7	4	2	0	0	2
Tonawanda.....	Coal.....	8	2	6	6	0	0	0
Troy.....	Water.....	23	16	7	7	0	0	0
Utica.....	Water.....	24	3	29	19	0	0	10
Watertown.....	Coal.....	14	10	6	2	1	2	1
Waterville.....	Water.....	5	3	2	0	0	0	2
Watkins.....	Coal.....	1	0	1	1	0	0	0
Waverly.....	Water.....	7	5	2	1	1	0	0
White Plains.....	Water.....	18	11	2	2	0	0	0
Yonkers.....	Water.....	26	20	6	6	0	0	0

TABLE II: Showing the number of tests made in each municipality and the highest, lowest, and average candle-power as determined by the tests: the legal candle-power being for water gas 20, for mixed gas 18, and for coal gas 16. The following burners are used: (1) in second-class cities, pursuant to chapter 557, laws of 1907, for coal gas and mixed gas containing more than 50 per cent of coal gas, an F Argand; for mixed gas containing less than 50 per cent of coal gas and for carbonated water gas, No. 7 Slit Union Bray; (2) all other places either the No. 7 Slit Union Bray, the old D Argand, or new F Argand, as may be best suited to the gas under test.

Place of test	Number of tests	Kind of gas	Candle-power		
			Highest	Lowest	Average
Albany.....	24	Water.....	20.9	14.6	18.1
Albion.....	5	Coal.....	14.4	13.8	14.1
Amsterdam.....	8	Mixed.....	19.1	17.4	18.3
	6	Coal.....	19.2	16.0	16.6
Auburn.....	11	Coal.....	13.9	8.4	12.3
	2	Water.....	18.5	13.2	15.8
Bath.....	4	Water.....	20.6	19.1	19.8
Bay Shore.....	22	Water.....	20.6	16.9	18.9
Beacon.....	7	Water.....	20.1	17.6	18.8
Binghamton.....	15	Water.....	21.0	20.2	20.6
Brockport.....	6	Coal.....	14.3	13.4	13.9
Buffalo.....	17	Coal.....	16.4	14.1	15.4
Canandaigua.....	6	Coal.....	15.3	14.0	14.6
Canastota.....	6	Coal.....	14.6	13.2	14.0
Catakill.....	6	Coal.....	17.3	10.8	15.9
Clifton Springs.....	5	Water.....	20.8	20.4	20.5
Cohoes.....	11	Water.....	21.9	11.2	18.6
Corning.....	5	Water.....	20.8	20.1	20.4
Cortland.....	8	Coal.....	16.1	13.5	14.1
Dansville.....	5	Water.....	20.6	19.4	20.2
Fort Plain.....	3	Water.....	21.3	19.6	20.6
Fulton.....	7	Coal.....	16.8	14.1	15.0
Geneseo.....	5	Coal.....	14.6	13.8	14.2
Geneva.....	6	Coal.....	14.0	12.0	12.4
Glen Cove.....	7	Water.....	19.2	12.7	16.3
Glens Falls.....	11	Coal.....	18.2	11.2	14.3

TABLE II (concluded)

Place of test	Number of tests	Kind of gas	Candle-power		
			Highest	Lowest	Average
Goshen.....	6	Coal.....	16.6	16.0	16.3
Granville.....	6	Water.....	21.3	16.2	18.9
Haverstraw.....	6	Water.....	20.4	17.8	19.5
Hempstead.....	16	Water.....	19.6	16.1	18.1
Herkimer.....	6	Water.....	20.2	16.4	18.3
Hudson.....	6	Water.....	20.5	17.1	19.1
Huntington.....	6	Water.....	20.2	13.9	17.9
Ithaca.....	9	Coal.....	17.1	13.6	15.3
Johnstown.....	17	Water.....	21.3	18.0	19.8
Kenmore.....	1	Coal.....	14.8	14.8	14.8
Kingston.....	14	Mixed.....	18.2	16.1	17.4
Little Falls.....	8	Water.....	20.2	15.5	17.9
Lockport.....	12	Coal.....	16.8	13.8	15.4
Lyons.....	5	Coal.....	13.8	11.8	12.8
Malone.....	6	Coal.....	14.5	10.9	13.0
Mechanicville.....	5	Water.....	21.3	16.9	18.9
Medina.....	5	Coal.....	14.7	14.2	14.5
Middletown.....	9	Water.....	20.7	18.7	19.8
Mt. Vernon.....	25	Water.....	21.6	18.9	20.3
Newark.....	1	Mixed.....	18.0	18.0	18.0
Newburgh.....	5	Coal.....	13.9	11.4	13.0
Niagara Falls.....	1	Water.....	19.1	19.1	19.1
Norwich.....	14	Water.....	21.2	18.3	20.3
Nyack.....	8	Coal.....	15.2	14.5	14.9
Ogdensburg.....	6	Water.....	20.0	15.8	17.8
Oneida.....	8	Water.....	22.6	20.6	21.4
Oneonta.....	8	Coal.....	16.0	14.6	15.4
Ossining.....	5	Coal.....	14.5	13.7	14.1
Oswego.....	7	Water.....	21.3	15.3	18.1
Owego.....	9	Water.....	21.4	19.4	20.3
Palmyra.....	10	Coal.....	16.3	13.0	14.4
Peekskill.....	5	Coal.....	14.8	13.9	14.2
Penn Yan.....	5	Coal.....	13.5	10.7	12.9
Plattsburgh.....	10	Water.....	20.6	20.0	20.2
Port Jervis.....	5	Coal.....	14.6	13.9	14.3
Poughkeepsie.....	7	Water.....	28.6	20.3	25.1
Queens Borough.....	8	Water.....	21.0	17.1	18.8
Rensselaer.....	19	Water.....	21.3	16.9	20.1
Rochester.....	8	Water.....	21.0	20.2	20.6
Rome.....	7	Water.....	21.1	13.5	18.8
Sag Harbor.....	21	Mixed.....	19.8	18.2	18.9
Saratoga Springs.....	10	Coal.....	17.3	15.1	16.1
Saranac Lake.....	2	Mixed.....	19.4	18.2	18.8
Saugerties.....	7	Water.....	18.6	11.2	16.0
Schenectady.....	12	Water.....	21.0	15.5	19.3
Seneca Falls.....	6	Water.....	20.8	15.6	19.1
Suffern.....	5	Coal.....	16.7	14.1	15.9
Syracuse.....	23	Coal.....	18.2	13.1	16.6
Tarrytown.....	4	Coal.....	13.5	10.5	12.4
Tonawanda.....	6	Water.....	20.5	15.9	18.8
Troy.....	19	Water.....	21.2	19.4	20.5
Utica.....	11	Water.....	21.7	19.0	20.4
Watertown.....	8	Coal.....	16.5	14.5	15.3
Waterville.....	23	Water.....	22.8	17.9	20.0
Watkins.....	24	Water.....	21.9	12.8	16.9
Waverly.....	14	Coal.....	17.5	15.5	16.5
White Plains.....	5	Water.....	24.1	20.0	21.1
Yonkers.....	1	Coal.....	13.0	13.0	13.0
	7	Water.....	20.6	19.6	20.3
	13	Water.....	21.4	19.2	20.4
	26	Water.....	21.1	16.5	20.2

APPENDIX D: INSPECTIONS OF GAS

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TABLE III: Showing the number of tests made in each municipality and the highest, lowest, and average quantity of sulphur and ammonia found. The standards prescribed by law are a maximum of 20 grains of sulphur and 10 grains of ammonia.

Place of test	Number of tests	Kind	Gr. per 100 cu. ft. of gas				
			Sulphur			Ammonia	
						High- est	Low- est
Albany.....	24	Water.....	27.9	3.2	12.9	1.0	1.0
Albion.....	5	Coal.....	16.2	4.5	8.0	1.0	1.0
Amsterdam.....	8	Mixed.....	19.9	6.7	14.0	1.0	1.0
	6	Coal.....	17.6	8.4	13.9	1.0	1.0
Auburn.....	11	Coal.....	20.3	1.7	10.2	1.0	1.0
	2	Water.....	7.7	3.9	5.8	1.0	1.0
Bath.....	4	Water.....	5.2	4.1	4.7	1.0	1.0
Bay Shore.....	22	Water.....	14.6	2.7	7.1	1.0	1.0
Beacon.....	6	Water.....	10.9	3.4	7.4	1.0	1.0
Binghamton.....	14	Water.....	18.1	2.0	8.4	1.0	1.0
Brockport.....	6	Coal.....	17.1	4.8	9.1	15.0	1.0
Buffalo.....	16	Coal.....	21.1	3.1	10.0	1.0	1.0
Canandaigua.....	6	Coal.....	18.0	4.7	9.8	1.0	1.0
Canastota.....	6	Coal.....	18.7	4.3	13.0	1.0	1.0
Catskill.....	6	Coal.....	24.1	10.7	15.2	1.0	1.0
Clifton Springs.....	5	Water.....	11.0	2.7	6.2	1.0	1.0
Cohoes.....	11	Water.....	17.4	7.4	12.5	1.0	1.0
Corning.....	5	Water.....	13.7	1.2	7.5	1.0	1.0
Cortland.....	8	Coal.....	17.0	4.7	11.9	11.9	1.0
Danville.....	4	Water.....	12.2	6.6	9.2	1.0	1.0
Fort Plain.....	3	Water.....	15.6	5.6	11.8	1.0	1.0
Fulton.....	7	Coal.....	19.4	4.1	10.2	1.0	1.0
Geneseo.....	5	Coal.....	17.4	4.5	9.2	1.0	1.0
Geneva.....	5	Coal.....	24.9	6.1	17.9	1.0	1.0
Glen Cove.....	7	Water.....	16.2	7.7	11.3	1.0	1.0
Glens Falls.....	10	Coal.....	25.2	5.6	19.3	6.7	1.0
Goshen.....	6	Coal.....	16.3	8.1	12.2	11.7	1.0
Granville.....	6	Water.....	17.1	4.9	10.0	1.0	1.0
Haverstraw.....	3	Water.....	16.3	8.0	9.4	1.0	1.0
Hempstead.....	16	Water.....	16.2	2.5	8.7	1.0	1.0
Herkimer.....	7	Water.....	23.0	10.1	13.7	1.0	1.0
Hudson.....	5	Water.....	16.2	9.1	11.1	1.0	1.0
Huntington.....	6	Water.....	7.7	3.7	6.0	1.0	1.0
Ithaca.....	8	Coal.....	15.7	2.0	10.2	21.2	1.0
Johnstown.....	16	Water.....	12.5	2.7	7.3	1.0	1.0
Kenmore.....	1	Coal.....	16.7	16.7	16.7	1.0	1.0
Kingston.....	13	Mixed.....	15.1	4.9	10.1	1.0	1.0
Little Falls.....	7	Water.....	19.8	4.7	13.6	1.0	1.0
Lockport.....	12	Coal.....	21.4	2.6	6.9	1.0	1.0
Lyons.....	4	Coal.....	14.7	3.9	7.7	1.0	1.0
Malone.....	6	Coal.....	17.1	11.8	15.1	1.0	1.0
Mechanicville.....	5	Water.....	14.6	5.8	9.4	1.0	1.0
Medina.....	5	Coal.....	17.1	4.7	10.2	1.0	1.0
Middletown.....	9	Water.....	11.0	4.9	7.1	1.0	1.0
Mt. Vernon.....	24	Water.....	17.1	2.6	8.5	1.0	1.0
	1	Mixed.....	8.6	8.6	8.6	1.0	1.0
Newark.....	5	Coal.....	17.2	7.4	12.4	1.0	1.0
	1	Water.....	3.3	3.3	3.3	1.0	1.0
Newburgh.....	14	Water.....	11.4	2.7	6.6	1.0	1.0
Niagara Falls.....	8	Coal.....	18.4	3.1	8.4	13.0	1.0
Norwich.....	6	W. sr.....	10.9	4.7	7.1	1.0	1.0
Nyack.....	8	W. sr.....	7.7	2.1	5.1	1.0	1.0
Ogdensburg.....	8	C.....	17.9	4.9	12.3	8.3	1.0
Oneida.....	5	C.....	13.6	5.0	9.1	15.1	1.0
Oneonta.....	7	W. sr.....	11.4	5.2	8.3	1.0	1.0
Ossining.....	3	W. sr.....	16.3	5.4	9.3	1.0	1.0
Oswego.....	10	C.....	24.1	2.2	8.8	11.6	1.0
Owego.....	5	C.....	36.5	3.2	14.5	16.1	7.4
Palmyra.....	4	C.....	14.5	5.7	10.8	1.0	1.0
Peekskill.....	10	W. sr.....	9.4	2.2	6.2	1.0	1.0
Penn Yan.....	5	C.....	15.6	3.5	10.1	1.0	1.0
Plattsburgh.....	7	W. sr.....	11.7	4.9	8.5	1.0	1.0
Port Jervis.....	8	W. sr.....	9.8	4.2	6.6	1.0	1.0
Poughkeepsie.....	17	W. sr.....	25.7	3.3	9.8	1.0	1.0
Queens Borough.....	8	W. sr.....	16.4	5.6	9.5	1.0	1.0
Rensselaer.....	7	W. sr.....	15.5	4.4	7.6	1.0	1.0
Rochester.....	21	M. xl.....	10.6	0.4	4.6	1.0	1.0
	10	C.....	22.8	9.3	14.5	1.0	1.0
Rome.....	2	M. xl.....	14.5	12.8	13.6	1.0	1.0
Sag Harbor.....	7	W. sr.....	13.9	4.0	7.2	1.0	1.0
Saratoga Springs.....	12	W. sr.....	17.2	1.4	7.0	1.0	1.0
Saratoga Lake.....	6	W. sr.....	15.0	5.4	8.6	1.0	1.0

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 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TABLE III (concluded)

Place of test	Number of tests	Kind of gas	Gr. per 100 cu. ft. of gas				
			Sulphur			Ammonia	
			Highest	Lowest	Average	Highest	Lowest
Saugerties.....	5	Coal.....	15.6	9.0	12.6	1.0	1.0
Schenectady.....	23	Coal.....	18.7	5.6	9.9	1.0	1.0
Seneca Falls.....	4	Coal.....	17.3	7.0	12.0	1.0	1.0
Suffern.....	5	Water.....	29.3	6.1	14.2	1.0	1.0
Syracuse.....	18	Water.....	13.9	2.0	5.3	1.0	1.0
Tarrytown.....	11	Water.....	9.8	1.6	5.9	1.0	1.0
Tonawanda.....	8	Coal.....	18.6	3.9	11.7	9.4	1.0
Troy.....	23	Water.....	17.8	3.9	9.0	1.0	1.0
Utica.....	24	Water.....	19.9	3.9	12.4	1.0	1.0
Watertown.....	14	Coal.....	22.3	11.7	14.8	25.0	1.0
Waterville.....	5	Water.....	12.0	9.3	10.6	1.0	1.0
Watkins.....	1	Coal.....	16.5	16.5	16.5	1.0	1.0
Waverly.....	6	Water.....	21.1	4.4	10.7	1.0	1.0
White Plains.....	18	Water.....	13.1	2.3	8.2	1.0	1.0
Yonkers.....	25	Water.....	16.9	2.0	6.6	1.0	1.0

TABLE IV: Showing the number of tests made in each municipality and the highest, lowest, and average pressure of gas in each obtaining at the time of test:

Place of test	Kind of gas	Number of tests	Pressure in inches of water		
			Highest	Lowest	Average
Albany.....	Water.....	24	5.4	3.9	4.6
Albion.....	Coal.....	5	3.3	2.9	3.0
Amsterdam.....	Mixed.....	8	4.0	3.0	3.5
	Coal.....	6	3.5	2.8	3.0
Auburn.....	Coal.....	11	6.0	5.0	5.7
	Water.....	2	5.2	5.2	5.2
Bath.....	Water.....	4	3.4	3.1	3.2
Bay Shore.....	Water.....	22	4.5	4.1	4.3
Beacon.....	Water.....	7	4.1	2.3	3.2
Binghamton.....	Water.....	15	4.4	3.6	3.9
Brockport.....	Coal.....	6	5.0	3.4	4.0
Buffalo.....	Coal.....	17	4.0	3.4	3.8
Canandaigua.....	Coal.....	6	5.0	3.7	4.2
Canastota.....	Coal.....	6	3.4	3.0	3.1
Catskill.....	Coal.....	6	2.8	2.7	2.7
Clifton Springs.....	Water.....	5	2.8	2.6	2.7
Cohoes.....	Water.....	11	3.9	3.0	3.6
Corning.....	Water.....	5	3.4	2.3	2.8
Cortland.....	Coal.....	8	3.8	3.0	3.5
Dansville.....	Water.....	5	3.3	2.6	3.0
Fort Plain.....	Water.....	3	2.8	2.6	2.7
Fulton.....	Coal.....	7	3.7	3.0	3.4
Geneseo.....	Coal.....	5	3.3	3.0	3.2
Geneva.....	Coal.....	6	5.0	4.2	4.3
Glen Cove.....	Water.....	7	6.2	3.8	5.6
Glens Falls.....	Coal.....	11	4.8	3.0	3.9
Goshen.....	Coal.....	6	2.8	1.7	2.4
Granville.....	Water.....	6	3.0	2.7	2.8
Haverstraw.....	Water.....	6	3.1	2.0	2.7
Hempstead.....	Water.....	16	3.2	2.6	2.9
Herkimer.....	Water.....	7	4.1	3.6	3.9
Hudson.....	Water.....	6	3.7	3.1	3.3
Huntington.....	Water.....	6	3.2	2.8	3.0
Ithaca.....	Coal.....	9	4.3	3.6	3.9
Johnstown.....	Water.....	17	3.3	2.5	2.9
Kenmore.....	Coal.....	1	6.0	6.0	6.0
Kingston.....	Mixed.....	14	3.9	3.6	3.8
Little Falls.....	Water.....	8	5.4	3.9	4.6
Lockport.....	Coal.....	12	5.2	4.6	5.0
Lyons.....	Coal.....	5	4.4	3.6	3.9
Malone.....	Coal.....	6	2.5	1.9	2.3
Mechanicville.....	Water.....	5	3.2	3.0	3.1
Medina.....	Coal.....	5	2.7	2.3	2.4
Middletown.....	Water.....	9	4.5	3.9	4.2

TABLE IV (concluded)

Place of test	Kind of gas	Number of tests	Pressure in inches of water		
			Highest	Lowest	Average
Mt. Vernon.....	Water.....	25	3.2	2.7	3.0
	Mixed.....	1	2.9	2.9	2.9
Newark.....	Coal.....	5	4.8	4.4	4.5
	Water.....	1	4.5	4.5	4.5
Newburgh.....	Water.....	14	3.9	3.3	3.7
Niagara Falls.....	Coal.....	8	3.7	3.4	3.6
Norwich.....	Water.....	6	3.8	3.0	3.5
Nyack.....	Water.....	8	3.0	2.9	3.0
Ogdensburg.....	Coal.....	8	3.0	2.9	3.0
Oneida.....	Coal.....	5	3.4	3.0	3.2
Oneonta.....	Water.....	7	3.8	3.3	2.5
Ossining.....	Water.....	9	3.4	2.8	3.1
Oswego.....	Coal.....	10	4.2	3.2	3.7
Owego.....	Coal.....	5	3.2	2.7	2.9
Palmyra.....	Coal.....	5	7.0	6.0	6.8
Peekskill.....	Water.....	10	3.6	3.2	3.5
Penn Yan.....	Coal.....	5	3.4	3.1	3.3
Plattburgh.....	Water.....	7	3.8	3.5	2.7
Port Jervis.....	Water.....	8	3.6	3.2	3.4
Poughkeepsie.....	Water.....	19	4.2	3.7	4.0
Queens Borough.....	Water.....	8	3.2	2.6	3.0
Rensselaer.....	Water.....	7	3.4	2.8	3.1
Rochester.....	Mixed.....	21	4.2	3.7	4.0
	Coal.....	10	4.6	3.5	3.9
Rome.....	Mixed.....	2	4.2	4.2	4.2
Sag Harbor.....	Water.....	7	3.8	2.8	3.3
Saratoga Springs.....	Water.....	12	4.3	2.6	3.5
Saranac Lake.....	Water.....	6	3.1	2.5	2.8
Saugerties.....	Coal.....	5	4.3	3.7	3.9
Schenectady.....	Coal.....	23	4.4	2.6	3.2
Seneca Falls.....	Coal.....	4	5.7	4.4	5.0
Suffern.....	Water.....	6	3.4	2.8	3.1
Syracuse.....	Mixed.....	19	4.0	3.5	3.8
Tarrytown.....	Water.....	11	4.2	3.9	4.0
Tonawanda.....	Coal.....	8	4.4	3.0	4.0
Troy.....	Water.....	23	3.0	2.1	2.6
Utica.....	Water.....	24	4.5	3.4	3.7
Watertown.....	Coal.....	14	5.1	2.9	3.9
Waterville.....	Water.....	5	2.5	2.4	2.4
Watkins.....	Coal.....	1	2.5	2.5	2.5
Waverly.....	Water.....	7	3.4	2.8	3.1
White Plains.....	Water.....	13	3.8	2.8	3.2
Yonkers.....	Water.....	26	3.4	2.4	2.8

TABLE V: Comparative statements for the years 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, giving (1) the total number of tests of gas; (2) the number of tests and per cent of total showing standard gas; and (3) the number of tests, number of deficiencies, and per cent of deficiencies in respect each to candle-power, sulphur, ammonia, and hydrogen sulphide.

Kind of gas	Total number of tests	Standard gas		Tests showing deficiencies in respect to --						Hydrogen sulphide					
		Number of tests	Per cent of tests	Candle-power			Sulphur			Ammonia					
				Number of tests	Times deficient	Per cent deficient	Number of tests	Times deficient	Per cent deficient	Number of tests	Times deficient	Per cent deficient			
Coal.....	1908.....	283	50.2	142	110	39.0	277	21	7.6	283	9	3.2	283	--	8.8
	1909.....	337	57.6	194	97	28.9	331	44	13.3	333	10	30.0	387	--	7.4
	1910.....	318	53.8	168	96	30.5	311	44	14.1	316	8	2.5	313	--	8.8
	1911.....	328	70.6	228	63	19.7	321	25	7.8	323	8	2.5	323	--	2.8
	1912.....	302	68.6	201	78	26.4	289	13	4.5	302	4	1.3	302	--	6.0
	1913.....	317	46.7	148	156	49.4	315	12	3.8	317	6	1.8	317	--	7.3
	1914.....	310	41.0	127	177	57.5	287	20	7.0	310	7	2.2	310	--	4.8
1915.....	306	38.0	117	201	65.7	302	31	10.3	306	4	1.3	306	--	5.5	
1916.....	260	28.8	75	177	68.1	254	16	6.3	260	16	6.3	260	--	6.9	
Water.....	1908.....	373	67.3	251	107	28.7	366	8	2.2	371	0	0.0	373	--	0.2
	1909.....	478	63.0	301	109	22.9	465	9	1.9	469	0	0.0	478	--	9.2
	1910.....	481	72.3	348	86	18.0	474	9	1.9	480	0	0.0	481	--	1.9
	1911.....	496	74.4	369	88	17.8	488	0	0.0	496	0	0.0	496	--	2.1
	1912.....	520	66.9	348	125	24.1	511	1	0.2	520	0	0.0	520	--	4.3
	1913.....	537	65.0	349	139	25.9	526	0	0.0	537	0	0.0	537	--	2.8
	1914.....	487	61.6	300	148	30.5	474	3	0.6	487	0	0.0	487	--	3.8
1915.....	500	64.2	321	141	28.2	485	3	0.6	500	0	0.0	500	--	3.0	
1916.....	484	48.8	236	209	43.3	470	5	1.1	484	0	0.0	484	--	3.6	
Mixed.....	1908.....	76	80.2	61	10	13.3	74	1	1.4	76	0	0.0	76	--	0.0
	1909.....	72	75.0	54	16	22.2	70	4	5.7	72	0	0.0	72	--	0.0
	1910.....	79	84.8	67	8	10.1	77	3	3.9	78	1	1.3	79	--	2.5
	1911.....	82	96.3	79	2	2.4	80	1	1.3	82	0	0.0	82	--	0.0
	1912.....	87	83.9	73	14	16.1	87	0	0.0	87	0	0.0	87	--	1.1
	1913.....	87	82.8	72	14	16.1	86	0	0.0	87	0	0.0	87	--	1.1
	1914.....	78	83.3	65	14	17.9	75	0	0.0	78	0	0.0	78	--	1.3
1915.....	67	74.6	50	17	25.4	64	1	1.6	67	0	0.0	67	--	0.0	
1916.....	46	73.9	34	12	26.1	45	0	0.0	46	0	0.0	46	--	0.0	

TABLE VI: Comparative statements for the years 1908 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, giving with respect to companies whose gas was tested (1) the number of companies having standard gas on all tests, and the per cent; and (2) the number of companies whose gas supply conformed to requirements on all tests in respect each to candle-power, sulphur, ammonia, and hydrogen sulphide.

Kind of gas	Number of companies	Number having standard gas in respect to—				Sulphur				Ammonia				Hydrogen sulphide			
		Number having standard gas		Candle-power		Number of companies		Per cent		Number of companies		Per cent		Number of companies		Per cent	
		Number	Per cent	Number of companies	Per cent	Number of companies	Per cent	Number of companies	Per cent	Number of companies	Per cent	Number of companies	Per cent	Number of companies	Per cent	Number of companies	Per cent
Coal.....1908.....	45	5	11.1	11	24.5	29	64.4	41	91.1	33	73.4						
1909.....	43	4	9.3	13	30.2	25	58.2	36	83.8	31	72.1						
1910.....	43	4	9.3	13	30.2	22	51.2	37	86.0	30	69.8						
1911.....	42	6	14.3	14	33.3	29	69.0	37	88.1	36	85.7						
1912.....	40	5	12.5	9	22.5	29	72.5	35	87.5	28	70.0						
1913.....	39	2	5.1	4	10.3	27	69.2	33	84.6	29	74.4						
1914.....	41	2	4.9	5	12.2	29	70.7	38	92.7	33	80.5						
1915.....	38	2	5.3	2	5.3	19	50.0	34	89.5	29	76.3						
1916.....	35	1	2.9	2	5.7	25	71.4	27	77.1	27	77.1						
Water.....1908.....	45	6	13.3	7	15.6	40	88.9	45	100.0	28	62.2						
1909.....	43	2	4.7	12	27.9	37	86.0	43	100.0	14	32.6						
1910.....	45	7	15.6	14	31.1	38	84.4	45	100.0	24	53.8						
1911.....	47	5	10.6	10	21.3	47	100.0	47	100.0	21	44.7						
1912.....	47	5	10.6	11	23.4	46	97.8	47	100.0	21	44.7						
1913.....	47	4	8.5	7	14.9	47	100.0	47	100.0	23	48.9						
1914.....	46	5	10.9	6	13.0	45	97.8	46	100.0	25	54.3						
1915.....	47	5	10.6	9	19.1	43	91.5	47	100.0	26	55.3						
1916.....	47	4	8.5	8	17.0	42	89.4	47	100.0	19	40.4						
Mixed.....1908.....	7	3	42.9	4	57.1	6	85.7	7	100.0	7	100.0						
1909.....	5	1	20.0	1	20.0	2	40.0	5	100.0	5	100.0						
1910.....	6	2	33.3	2	33.3	3	50.0	5	83.3	4	66.7						
1911.....	5	3	60.0	3	60.0	4	80.0	5	100.0	5	100.0						
1912.....	8	3	37.5	3	37.5	8	100.0	8	100.0	7	87.5						
1913.....	8	1	12.5	3	37.5	8	100.0	8	100.0	7	87.5						
1914.....	6	2	33.3	3	50.0	6	100.0	6	100.0	5	83.3						
1915.....	7	2	28.6	2	28.6	6	85.7	7	100.0	7	100.0						
1916.....	5	3	60.0	3	60.0	5	100.0	5	100.0	5	100.0						

APPENDIX E

TELEPHONE SERVICE TESTS.

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CXXXIV PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TELEPHONE SERVICE TESTS Columns 4, 5, and 6 are elapsed time in seconds.

Name of company	Exchange	Total number of tests	Average answer	Average disconnection	Average recall
Black River Tel. Co.	Adams	25	4.8		
Black River Tel. Co.	Boonville	62	4.4	10.	5.8
Black River Tel. Co.	Forestport	13	5.	56.	25.3
Black River Tel. Co.	Lowville	85	5.	5.5	
Black River Tel. Co.	Old Forge	42	4.3	13.	
Black River Tel. Co.	Ramsey	16	6.	43.6	5.
Columbia & Renss. T. & T. Co.	Nassau	18	4.3	4.1	5.4
Cornwall Tel. Co.	Cornwall	15	3.8		
Dunkirk & Fredonia Tel. Co.	Fredonia	155	4.4	5.4	6.6
Federal Tel. & Tel. Co.	Dunkirk	180	3.6	5.	5.1
Federal Tel. & Tel. Co.	East Aurora	95	4.2	5.5	6.2
Federal Tel. & Tel. Co.	Hamburg	25	4.		
Federal Tel. & Tel. Co.	Hornell	200	3.7	5.6	9.6
Federal Tel. & Tel. Co.	Tonawanda	105	3.8	4.6	5.1
Glen Tel. Co.	Canajoharie	18	4.8	6.2	5.3
Glen Tel. Co.	Fonda	18	4.	32.	5.6
Glen Tel. Co.	Fort Plain	19	4.	36.5	4.8
Glen Tel. Co.	St. Johnsville	19	4.	4.8	5.5
Granville Tel. Co.	Cambridge	18	3.9	43.	3.8
Granville Tel. Co.	Granville	19	3.2	4.	3.3
Granville Tel. Co.	Salem	17	4.1	3.6	39.
Granville Tel. Co.	Shushan	20	4.	23.6	9.
Highland Tel. Co.	Highland Mills	50	3.6	4.1	
Highland Tel. Co.	Monroe	45	5.2	5.1	
Highland Tel. Co.	Washingtonville	30	4.2	4.4	
Madison Mutual Tel. Co.	Oriskany Falls	18	4.9	62.6	7.
Monticello Tel. Co.	Monticello	30	4.	3.8	
Newport Tel. Co.	Newport	17	4.	21.5	4.6
New York Tel. Co.	Altamont	18	3.9	24.	5.2
New York Tel. Co.	Attica	105	5.2	8.2	7.5
New York Tel. Co.	Binghamton	35	3.9	4.2	4.1
New York Tel. Co.	Babylon	20	5.2		
New York Tel. Co.	Ballston	60	3.2	3.7	
New York Tel. Co.	Barneveld	17	4.	35.	4.7
New York Tel. Co. (Buffalo)	Abbott	400	3.	2.7	4.7
New York Tel. Co. (Buffalo)	Crescent	575	2.9	2.9	5.
New York Tel. Co. (Buffalo)	Howard	800	3.1	3.2	3.8
New York Tel. Co. (Buffalo)	North	850	3.3	3.	4.1
New York Tel. Co. (Buffalo)	Oxford	750	2.9	2.8	5.2
New York Tel. Co. (Buffalo)	Seneca	1,700	3.6	3.1	5.6
New York Tel. Co. (Buffalo)	Tupper	1,250	3.2	3.	6.
New York Tel. Co.	Camden	77	4.1	4.9	4.
New York Tel. Co.	Canandaigua	65	4.	4.2	5.6
New York Tel. Co.	Canastota	60	4.3	4.4	4.4
New York Tel. Co.	Catskill	40	4.1	5.4	
New York Tel. Co.	Clinton	17	3.9	25.7	4.6
New York Tel. Co.	Cobleskill	35	4.1		4.6
New York Tel. Co.	Cohoes	38	3.4	3.8	3.6
New York Tel. Co.	Corning	115	4.3	4.9	5.1
New York Tel. Co.	Dunkirk	275	4.4	4.6	5.5
New York Tel. Co.	East Aurora	240	3.9	4.1	4.2
New York Tel. Co.	Ellenville	60	5.4	5.2	
New York Tel. Co.	Elizabethtown	600	5.1	6.7	9.9
New York Tel. Co.	Erie	18	4.	3.4	5.3
New York Tel. Co.	Farmville	20	5.4		
New York Tel. Co.	Fulton	53	3.6	4.1	3.7
New York Tel. Co.	Glen	25	5.5		
New York Tel. Co.	Glen	137	4.7	5.5	4.
New York Tel. Co.	Glen	100	4.8	5.1	
New York Tel. Co. (N. Y. City)	Bklyn.	50	4.2		
New York Tel. Co. (N. Y. City)	Bklyn.	50	5.6		
New York Tel. Co. (N. Y. City)	Bklyn.	50	5.9		
New York Tel. Co. (N. Y. City)	Bklyn.	50	5.2		
New York Tel. Co. (N. Y. City)	Bklyn.	50	5.6		
New York Tel. Co. (N. Y. City)	Dyn.	25	5.6		
New York Tel. Co. (N. Y. City)	Ft. W.	25	5.3		
New York Tel. Co. (N. Y. City)	Flt.	20	4.9		
New York Tel. Co. (N. Y. City)	Gt.	50	6.1		
New York Tel. Co. (N. Y. City)	Gt.	50	6.6		
New York Tel. Co. (N. Y. City)	Hklyn.	50	5.6		
New York Tel. Co. (N. Y. City)	In.	50	5.1		
New York Tel. Co. (N. Y. City)	La.	50	5.5		
New York Tel. Co. (N. Y. City)	M.	50	5.8		
New York Tel. Co. (N. Y. City)	Main.	50	6.1		
New York Tel. Co. (N. Y. City)	Midwood	100	6.3		
New York Tel. Co. (N. Y. City)	Murray Hill	50	6.7		

APPENDIX E: TELEPHONE SERVICE TESTS

CXXXV

TELEPHONE SERVICE TESTS

Columns 4, 5, and 6 are elapsed time in seconds.

Name of company	Exchange	Total number of tests	Average answer	Average disconnection	Average recall
New York Tel. Co. (N. Y. City)...	Newton.....	25	4.1	.....	.....
New York Tel. Co. (N. Y. City)...	Prospect.....	50	5.4	.....	.....
New York Tel. Co. (N. Y. City)...	Richmond Hill.....	25	5.8	.....	.....
New York Tel. Co. (N. Y. City)...	South.....	50	5.2	.....	.....
New York Tel. Co. (N. Y. City)...	Stagg.....	25	6.	.....	.....
New York Tel. Co. (N. Y. City)...	Williamsburg.....	50	6.2	.....	.....
New York Tel. Co.....	Hamburg.....	160	4.5	5.	4.3
New York Tel. Co.....	Haverstraw.....	80	3.8	3.6	.....
New York Tel. Co.....	Hempstead.....	25	5.5	.....	.....
New York Tel. Co.....	Highland.....	30	5.5	7.7	.....
New York Tel. Co.....	Hosack Falls.....	18	4.2	5.3	4.4
New York Tel. Co.....	Hornell.....	95	3.8	4.	7.
New York Tel. Co.....	Hudson Falls.....	92	3.8	6.	3.3
New York Tel. Co.....	Jamestown.....	650	3.9	4.1	5.7
New York Tel. Co.....	Johnson City.....	17	3.6	3.6	4.
New York Tel. Co.....	Kingston.....	165	4.2	4.4	6.3
New York Tel. Co.....	Lancaster.....	95	3.9	4.1	5.5
New York Tel. Co.....	Liberty.....	90	4.1	5.	.....
New York Tel. Co.....	Long Beach.....	10	4.8	.....	.....
New York Tel. Co.....	Mechanicsville.....	80	4.3	4.3	.....
New York Tel. Co.....	Newburgh.....	75	4.2	4.6	.....
New York Tel. Co.....	New Hartford.....	17	3.8	33.7	4.6
New York Tel. Co.....	North Tonawanda.....	200	4.	4.5	5.1
New York Tel. Co.....	North Troy.....	35	3.9	4.1	3.6
New York Tel. Co.....	Nyack.....	35	4.	3.8	.....
New York Tel. Co.....	Oneida.....	80	4.1	4.8	.....
New York Tel. Co.....	Piermont.....	70	4.5	3.2	.....
New York Tel. Co.....	Poughkeepsie.....	250	5.6	6.2	8.7
New York Tel. Co.....	Rome.....	100	3.8	4.5	.....
New York Tel. Co.....	Saugerties.....	40	4.7	5.4	.....
New York Tel. Co.....	Schenectady.....	212	4.5	5.	4.
New York Tel. Co.....	Schuylerville.....	60	5.6	4.9	4.9
New York Tel. Co.....	Sharon Springs.....	20	3.9	4.2	.....
New York Tel. Co.....	Spring Valley.....	70	4.1	5.6	.....
New York Tel. Co.....	Springville.....	75	3.2	5.	6.2
New York Tel. Co.....	Stony Point.....	15	3.9	.....	.....
New York Tel. Co.....	Suffern.....	65	4.3	4.8	.....
New York Tel. Co.....	Troy.....	36	3.3	4.1	3.7
New York Tel. Co.....	Tuxedo.....	25	3.8	.....	.....
New York Tel. Co.....	Warrensburgh.....	18	4.1	38.7	4.2
New York Tel. Co.....	Waterford.....	60	4.1	4.2	.....
New York Tel. Co.....	Watervliet.....	36	3.4	3.8	3.5
New York Tel. Co.....	Watertown.....	130	3.7	4.8	.....
New York Tel. Co.....	Westchester.....	20	5.8	.....	.....
New York Tel. Co.....	White Plains.....	170	5.4	4.3	.....
New York Tel. Co.....	Whitesboro.....	18	3.7	43.2	4.1
New York Tel. Co.....	Yonkers.....	205	4.7	5.1	.....
Northwestern Tel. & Tel. Co.....	Carthage.....	55	4.6	4.7	.....
Oneida County Rural Tel. Co.....	Holland Patent.....	16	4.5	51.3	5.3
Oneida County Rural Tel. Co.....	Stittville.....	17	5.	62.	6.5
Orange County Tel. Co.....	Middletown.....	25	4.	.....	.....
Otsego & Delaware Tel. Co.....	Cherry Valley.....	10	4.4	.....	.....
Otsego & Delaware Tel. Co.....	Cooperstown.....	90	3.7	4.7	.....
Otsego & Delaware Tel. Co.....	Oneonta.....	70	3.3	4.3	.....
Otsego & Delaware Tel. Co.....	Richfield Springs.....	55	4.4	4.6	.....
Port Jervis Tel. Co.....	Port Jervis.....	70	3.6	4.1	.....
State Tel. Co.....	Coxsackie.....	48	4.2	12.	5.7
State Tel. Co.....	Ravena.....	18	4.9	5.6	4.7
Tianderoga Home Tel. Co.....	Tianderoga.....	35	3.7	4.6	.....
Union Tel. Co., Inc.....	Sidney.....	35	4.7	4.2	.....
Walden Tel. Co.....	Montgomery.....	25	4.1	4.4	.....
Walden Tel. Co.....	Walden.....	55	4.3	4.9	.....
Warwick Valley Tel. Co.....	Warwick.....	60	4.2	3.4	.....
Waterville Tel. Co.....	Waterville.....	18	3.9	41.6	4.2
Western Sullivan Tel. & Tel. Co.....	Jeffersonville.....	15	5.	.....	.....
Westfield Tel. Co.....	Westfield.....	80	3.9	5.	5.1

APPENDIX F

ORDERS, 1916

[1]

2 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, N. Y., *January 10, 1916.*

Extract from Minutes of an Executive Session of the Public Service Commission for the Second District held at its office in Albany, N. Y., on January 6, 1916:

The Chairman having called attention to an error in certain recitals of the Mount Vernon grade crossing elimination order (case No. 254) entered on December 16th last, which error appears in the third paragraph from the top of the third page of said order as printed, it was

Resolved, That the third paragraph from the top of the third page of the order as printed shall read as follows:

The parties hereto having already expended under the order of the Commission of June 27, 1912, the sum of approximately nine thousand dollars (\$9000) for land, and it being stipulated in the contract attached to the petition herein that the total amount chargeable to the elimination of the Fleetwood Avenue crossing and the construction of the viaduct shall not exceed thirty-six thousand nine hundred dollars (\$36,900), thus leaving an available balance for construction of approximately twenty-seven thousand nine hundred dollars (\$27,900); and it being understood and agreed as stated in said contract that in addition to their respective proportionate statutory shares of the sum of approximately nine thousand dollars (\$9000) so as aforesaid already expended for the purposes of this project, the State of New York and the railroad corporation shall not in any event be required or become obligated to pay any more than their respective proportionate statutory shares of the remaining twenty-seven thousand nine hundred dollars (\$27,900) approximately, being the aforesaid balance available for the purposes of this elimination as and by virtue of the originally estimated cost thereof; making the total amount which the railroad corporation shall pay for its share in the total cost of the completed improvement the sum of eighteen thousand four hundred fifty dollars (\$18,450) without interest, and the total amount which the State shall pay for its share in the total cost of the completed improvement the sum of nine thousand two hundred twenty-five dollars (\$9,225) without interest; it is

Further Resolved, That the aforesaid order shall be reprinted as a "Corrected" order, embodying the above recited correction of the specified paragraph.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of December, 1915.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Third
modification
of order
(corrected).

By joint petition dated July 3, 1915, The New York Central Railroad Company, the cities of Yonkers and Mount Vernon, and the Bronx Parkway

Commission have asked this Commission for an order modifying orders previously made for the elimination of grade crossings of the New York and Harlem railroad in the city of Mount Vernon in so far as they relate to Fleetwood Avenue crossing; for a direction that an overgrade crossing be constructed upon a line and location upon a continuation of Broad street, Mount Vernon, as agreed upon by petitioners; and for the approval of the terms and conditions of a contract entered into between the above named parties covering the construction of such crossing and the payment of costs.

The original order of this Commission as to Mount Vernon crossings (Mount Vernon avenue, Oak street, and Fleetwood avenue) was made September 12, 1907. It provided that the Fleetwood Avenue crossing "shall be changed from grade, and that said avenue shall be carried over said railroad on a steel bridge at a point about 550 feet south of the existing grade crossing of said railroad by said Fleetwood avenue". This order was rescinded June 27, 1912, in so far as it related to the manner in which the Fleetwood Avenue crossing shall be eliminated, the modifying order then issued containing the provision "that the elimination of this crossing shall be executed by the construction of a viaduct by means of which the highway traffic may be carried over the grade of the railroad at a point about in the lines of Broad street, or substantially 1050 feet south of the existing Fleetwood Avenue grade crossing". At the time of the issuance of said order of June 27, 1912, the City of Mount Vernon had agreed, and it was so stated in the order, that the total cost of the work therein ordered should be kept within the limit of \$36,900, and that in order to keep the cost chargeable to the elimination within said amount the cities of Mount Vernon and Yonkers had agreed to bear at their own expense any and all costs in excess of such sum of \$36,900. No work necessary to carry out this modified order, which provided for a steel viaduct with a plank floor, has ever been performed, but property to the value of approximately \$9000 has been acquired; so that under the terms of the original order only the sum of twenty-seven thousand nine hundred dollars (\$27,900) may be spent in carrying into effect the provisions of said order.

It is now proposed as set forth in the said petition to build a concrete viaduct of six arch spans and short approaches thereto, beginning in the city of Mount Vernon in a continuation of Broad street; thence by a curve to the right and a short piece of tangent to Vermont avenue in the city of Yonkers; said viaduct crossing over the grade of the tracks of the New York Central railroad, over a north and south street to be built on the easterly side of and parallel and adjacent to the New York Central tracks in the city of Mount Vernon, and over the grade of a boulevard proposed to be built by the Bronx Parkway Commission in the city of Yonkers. It is also to extend over the Bronx river, the center line of the river's channel forming the dividing line between the cities of Mount Vernon and Yonkers.

It further appears that the cost of the completed work, if carried out according to the modified plans as last above mentioned and described, is estimated to be the sum of eighty-six thousand dollars (\$86,000) in the aggregate (the sum mentioned including the sum of nine thousand dollars [\$9000] which as above stated has been heretofore expended in the acquisition and purchase of land for the purposes of said elimination); the said estimated aggregate cost of eighty-six thousand dollars (\$86,000) accordingly exceeding by the sum of forty-nine thousand one hundred dollars (\$49,100) the amount originally estimated, and in and by the order first above mentioned, determined, and fixed as the maximum cost of the elimination of said Fleetwood Avenue grade crossing. It further appears that it has been determined and agreed by and between the said cities of Yonkers and Mount Vernon, the Bronx Parkway Commission, and The New York Central Railroad Company, that in case said modified plans shall receive the approval of this Commission, so much of the entire cost of the completed work, including construction, the cost of land, land damages, and claims and demands whatsoever on account thereof, as shall exceed the aforesaid sum of thirty-six thousand nine hundred dollars (\$36,900) originally estimated as the cost of said elimination, shall be borne and paid for by the said cities

of Mount Vernon and Yonkers and the said Bronx Parkway Commission, in certain proportions mutually agreed upon between them, and that no part of such excess cost, at whatsoever amount the sum shall be ultimately determined, shall be borne by the said railroad corporation or by the State of New York; and that neither said railroad corporation nor the State of New York shall be required to pay for said work, construction, land, land damages, or claims and demands whatsoever, including the cost of land already acquired as aforesaid, any more than their proportionate shares respectively as fixed by statute of the sum of thirty-six thousand nine hundred dollars (\$36,900), the City of Mount Vernon also to bear and discharge its proportionate statutory share of said originally estimated and determined cost and expenditure for the completed work as first proposed and authorized of thirty-six thousand nine hundred dollars (\$36,900).

A hearing upon this new petition, after statutory notice to the applicants and all other interested parties, was held by this Commission in New York city on November 12, 1915, the City of Mount Vernon, the Bronx Parkway Commission, The New York Central Railroad Company, and several owners of property being represented. No one appeared for the City of Yonkers. At this hearing no opposition was expressed to the proposition, but directly after the close of the hearing Messrs. Oglesby and Barnes appeared on behalf of Herman Duden, a property owner, and requested and by the Commissioner in charge were allowed to enter a protest against closing Fleetwood avenue as proposed, on the ground that the construction of the proposed viaduct and embankment in connection with such closing of Fleetwood avenue would destroy access from the north and south to the Duden property and thereby largely depreciate the value thereof. A plan marked "Exhibit A," showing the alignment and elevation of the proposed structure, said plan being on file with the papers in the case and bearing the following approval signatures, was submitted: Edwin W. Fiske, mayor, and Frank A. Bennett, corporation counsel, for the City of Mount Vernon; Jas. T. Lennon, mayor, and D. F. Fulton, city engineer, for the City of Yonkers; Geo. A. Harwood, chief engineer electric zone improvements, for The New York Central Railroad Company; and William W. Niles, vice-president, and Jay Downer, engineer and secretary, for the Bronx Parkway Commission. After due consideration it is hereby

Ordered: That under the terms and provisions of the contract entered into between the parties at interest, namely the cities of Mount Vernon and Yonkers, The New York Central Railroad Company, and the Bronx Parkway Commission, the petition for a modification of the orders previously made in so far as the same relate to said Fleetwood Avenue crossing be granted, and that the elimination of said crossing and the changing thereof from grade and the closing of Fleetwood avenue shall be accomplished by the construction of a concrete arch viaduct and approaches thereto, by means of which the highway traffic may be carried over the grade of the railroad within the lines of Broad street, Mount Vernon, to a junction with Vermont avenue in the city of Yonkers, substantially as shown upon a blueprint plan marked "Exhibit A" on file with this Commission, said plan being dated May 4, 1915, and entitled "Concrete Arch Viaduct over the Bronx River and Railroad Tracks connecting Vermont Ave. Yonkers, and Broad St. Mt. Vernon".

On the viaduct there shall be a roadway twenty-six (26) feet wide in the clear measured between curb lines; and two sidewalks, one on each side of said roadway, each having a clear width of six (6) feet. The total width of viaduct between exterior clearance lines shall be about forty (40) feet.

The elevation of the roadway carried on the structure shall be the same at each end of the viaduct with an up grade of about one-half of one per cent in each direction toward the central pier.

Stairways shall be provided for purposes of access to a new street to be constructed parallel to and on the east side of the New York Central tracks, and to the property of The New York Central Railroad Company.

The parties hereto having already expended under the order of the Commission of June 27, 1912, the sum of approximately nine thousand dollars (\$9000) for land, and it being stipulated in the contract attached to the

petition herein that the total amount chargeable to the elimination of the Fleetwood Avenue crossing and the construction of the viaduct shall not exceed thirty-six thousand nine hundred dollars (\$36,900), thus leaving an available balance for construction of approximately twenty-seven thousand nine hundred dollars (\$27,900); and it being understood and agreed as stated in said contract that in addition to their respective proportionate statutory shares of the sum of approximately nine thousand dollars (\$9000) so as aforesaid already expended for the purposes of this project, the State of New York and the railroad corporation shall not in any event be required or become obligated to pay any more than their respective proportionate statutory shares of the remaining twenty-seven thousand nine hundred dollars (\$27,900) approximately, being the aforesaid balance available for the purposes of this elimination as and by virtue of the originally estimated cost thereof; making the total amount which the railroad corporation shall pay for its share in the total cost of the completed improvement the sum of eighteen thousand four hundred fifty dollars (\$18,450) without interest, and the total amount which the State shall pay for its share in the total cost of the completed improvement the sum of nine thousand two hundred twenty-five dollars (\$9225) without interest; it is further

Ordered: That in accordance with the aforesaid understanding and agreement between certain of the parties, the cities of Mount Vernon and Yonkers and the Bronx Parkway Commission shall assume, pay, and discharge so much of the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of land or other damages whatsoever which may arise by virtue hereof, as shall exceed the sum of thirty-six thousand nine hundred dollars (\$36,900), which last mentioned sum is to be paid by the said railroad corporation, the City of Mount Vernon, and the State of New York, respectively, in such proportions as fixed by the statute in such case made and provided: this order being granted upon the express condition that no financial liability or obligation whatsoever in excess of one-fourth of the sum of thirty-six thousand nine hundred dollars (\$36,900) shall attach to or fall upon the State of New York on account of the construction and work herein authorized and provided for; and that no part of the cost of such work or of any expenses incidental thereto, including the acquisition or purchase of any lands, rights, or easements necessary or required for the purposes hereof, and of any damages on account thereof or otherwise, in excess of one-fourth of thirty-six thousand nine hundred dollars (\$36,900) shall be charged upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise.

The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof in excess of one-fourth of the sum of thirty-six thousand nine hundred dollars (\$36,900), amounting to the sum of nine thousand two hundred twenty-five dollars (\$9225), no interest to be added.

6 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4116]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF FORT PLAIN AND TELEPHONE SUBSCRIBERS IN SAID VILLAGE *against* GLEN TELEPHONE COMPANY as to increase in rates.

A petition having been filed with this Commission on January 31, 1914, by the Board of Trustees of the Village of Fort Plain and various Fort Plain subscribers of the Glen Telephone Company, requesting this Commission to inquire and investigate into the necessity of the proposed increase in rates of the Glen Telephone Company in Fort Plain, and to prohibit such increase if such investigation should justify such action; and such petitioners having further set forth in their complaint that they were opposed to such increase for the reason that in their opinion the same was unwarranted and that the rates existing prior to January 31, 1914, were adequate and sufficiently compensatory for the purposes and necessities of the Glen Telephone Company; and the Commission, in cases Nos. 4176 and 4184, which were complaints as to the proposed increase in telephone rates in the cities of Johnstown and Gloversville, having made an exhaustive examination into the rates of the said Glen Telephone Company, and the Commission having determined that the said company was not earning more than a fair return upon the value of its property employed in the public service, due consideration having been given to the amount of revenue derived from the increased rates in Johnstown and Gloversville as well as in Fort Plain; and the Commission being satisfied from the showing in said cases that the increase in telephone rates in the village of Fort Plain as set forth in the petition of January 31, 1914, is neither unjust nor unreasonable; it is

Ordered: That the said complaint be and the same hereby is dismissed and the case closed upon the records of this Commission.

[Case No. 4190]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CANAJOHARIE BOARD OF TRADE *against* the GLEN TELEPHONE COMPANY, asking that rates be reduced and that proper night service be given.

A petition was filed with this Commission on March 20, 1914, by the Canajoharie Board of Trade, requesting this Commission to reduce the charges of

the Glen Telephone Company for telephone service in the Canajoharie area. This request was in effect a complaint against the increased charges for telephone service made by the Glen Telephone Company effective as of February 1, 1914. The Commission, in cases Nos. 4176 and 4184, which have recently been decided by it, and which involved the question of increased telephone rates of the telephone company in Johnstown and Gloversville, had before it for consideration all of the allegations set forth in the request of the petitioner in the present case. The Commission having decided that said telephone company was not earning more than a fair return upon the value of its property employed in the public service, due regard being had to the additional revenue derived from the increased rates in Johnstown and Gloversville as well as in the village of Canajoharie; and the Commission having determined that it would be unable to comply with the request of the petitioner herein to order the telephone company to reduce its existing rates by restoring the schedule of rates that was in force prior to February 1, 1914, for the reasons set forth in the cases above referred to, it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of this Commission.

[Case No. 5105]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the NEW YORK
AND NORTH SHORE TRACTION COMPANY under section
49 of the Public Service Commissions Law for an
order increasing the rate of fare to be charged by it
between Mineola and Port Washington, Long Island.

The Commission having considered the applicant's petition for a rehearing herein, it is

Ordered: That said petition be and the same hereby is denied.

8 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5301]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of HARRY W. DURFEE and EARLE W. DURFEE under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses and horses in the city of Oneida, it being proposed that the route shall also be operated from Oneida to the hamlet of Munnsville, Madison county.

Amendatory
order.

The applicants and the New York State Railways having filed a stipulation for the amendment of the certificate herein granted December 18, 1915, and the Commission being of opinion that such amendment is proper, it is

Ordered: That said certificate be and the same is amended to read as follows:

Harry W. Durfee and Earle W. Durfee, copartners doing business under the name of Durfee Brothers, applied for a certificate of convenience and necessity for the operation of a stage route in the city of Oneida as a portion of a route between Oneida and Munnsville. The New York State Railways operates a street railway in the city of Oneida and appeared at the hearing, but withdrew opposition upon ascertaining that the applicant did not propose to carry passengers locally from point to point within said city. There were no appearances except by the applicants and the New York State Railways. It is proposed to operate from a point or points within the city of Oneida to Munnsville, over the streets of the city and over highways, not less than two round trips per day. There is no other direct service between these points, although the New York, Ontario and Western Railroad Company has a station about half a mile from Munnsville, at which two passenger trains each way stop each day. It is proposed to operate by automobile stages except when weather conditions forbid, when horse drawn vehicles will be used. The petitioners have received the consent of the local authorities of the city of Oneida.

Now therefore this Commission hereby certifies that public convenience and necessity require the operation by Harry W. Durfee and Earle W. Durfee of a motor vehicle or stage line or route as provided in the consent heretofore granted by the mayor and common council of the City of Oneida, a copy whereof is attached to the petition herein, through and along the streets of the city of Oneida, to be operated only as a part of a line from said city of Oneida to the village of Munnsville and intermediate points; but no passengers shall be carried on said auto busses or other vehicles operated on said bus line for a rate of fare of fifteen cents or less for each passenger where the whole or a portion of the route traversed lies within the limits of the said city of Oneida, nor shall the proprietors of said bus line engage in carrying passengers to and from the city of Oneida and Sherrill or Kenwood. This certificate is granted subject to all the terms and conditions of the consent hereinbefore mentioned, and subject to present and future ordinances of the City of Oneida, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

ORDERS, JANUARY, 1916

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[Case No. 5336]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of January, 1916.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**In the matter of the Complaint of EMPLOYEES OF THE
PIERCE-ARROW MOTOR CAR COMPANY *against* INTER-
NATIONAL RAILWAY COMPANY as to operation of the
Fillmore Avenue and Hertel Avenue car lines during
the early morning and evening hours.**

**The complaint in the above entitled matter having been served on the com-
pany, which answered in detail, stating that it would satisfy the complaint;
and Lewis W. Henafelt, representing complainants, having informed the Com-
mission "It gives us pleasure to inform you that the service is now satisfac-
tory and the International Railway Company have done as stated in their
letter"; it is**

**Ordered: That this complaint be and hereby is closed on the records of
the Commission as satisfied.**

[Case No. 5341]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of January, 1916.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**In the matter of the Complaint of MARTIN T. NACHT-
MANN *against* MUNICIPAL GAS COMPANY as to refusal
to furnish 500-volt direct current electricity for opera-
tion of elevator.**

**The Municipal Gas Company of the City of Albany furnishes both alter-
nating current and 500-volt direct current for power purposes. It has how-
ever for some time past restricted the supply of 500-volt direct current with
the intention of ultimately eliminating it entirely, and in the rate schedule
filed with this Commission by the Municipal Gas Company it is provided
that 500-volt direct current service will not be supplied to any new customers.
Martin T. Nachtmann, the complainant, has purchased from a private indi-
vidual an elevator to which the Municipal Gas Company formerly furnished
power, and which requires 500-volt direct current for its operation, and has
installed this elevator in his residence and made application to the Munici-
pal Gas Company for 500-volt direct current to operate it, which application
has been refused. It appears that wires carrying 500-volt direct current are
in close proximity to the premises in question, and are of such capacity that
current to operate this elevator could be supplied at small expense to the
company; also that the elevator will serve only one floor in a private resi-
dence so that a very small amount of current will be used. It further appears**

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that the complainant has in good faith gone to considerable expense in purchasing and installing this elevator. Since it was purchased from a private individual the complainant had no expert advice regarding its adaptability and assumed that it could continue to be used in the same manner as in the past. The facts set forth seem to constitute this case a special one and to warrant a departure from the general rule. The furnishing of 500-volt direct current in this instance should not, however, constitute a general precedent, nor operate to render the Municipal Gas Company liable under the determination of the Commission made January 19, 1915, or otherwise, to incur any expense in connection with altering or renewing the elevator apparatus at such time as the company may discontinue the supply of such current in the locality in question. The complainant has signified his willingness to sign a waiver releasing the company from any such liability. It is therefore

Ordered: That by reason of the particular facts and circumstances hereinabove recited, the Municipal Gas Company of the City of Albany be and it hereby is directed to suspend its general rule regarding the supply of 500-volt direct current, and to furnish such current to Mr. Martin T. Nachtmann for the operation of an elevator at his residence at 765 Madison avenue, Albany; provided that the said Nachtmann shall first sign a waiver releasing the Municipal Gas Company from any liability to furnish such current to said Nachtmann after the supply shall have been generally discontinued in this locality, and releasing it from any liability, in case such supply is discontinued, to alter or renew the elevator apparatus so as to enable said elevator to be operated by electric energy of a different voltage or character.

[Case No. 5356]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission and approval to the exercise of a franchise from Buffalo to lay a siding in Lloyd street.

The joint petition of The Delaware, Lackawanna and Western Railroad Company, lessee, and The New York, Lackawanna and Western Railway Company, lessor, has been duly filed with the Commission, whereby the said petitioners asked for permission and approval under section 53 of the Public Service Commissions Law to lay, construct, and maintain such sidetrack or switch track, and for the exercise of a franchise received from the local authorities of the City of Buffalo to lay and maintain a sidetrack or switch track in Lloyd street in said city, as shown by the blueprint which is attached to said petition and filed with the papers in this case. At the hearing held by the Commission in this case in the city of Buffalo on the 21st day of December, 1915, such proof and proceedings were taken and had whereby it satisfactorily appears that it is desired to build such side- or switch track from a connection in the existing tracks of the petitioners so that the same will extend from such existing tracks about 320 feet, about one-half of which will be constructed upon property owned by the petitioners and by Lautz

Brothers Company, soap manufacturers, for whose convenience the said switch track is proposed to be built, and the other one-half, consisting of about 150 feet, being built along the surface of Lloyd street in said city of Buffalo. On said hearing Mr. Louis L. Babcock, of the firm of Rogers, Locke and Babcock of the city of Buffalo, appeared as counsel for the petitioners; and Mr. Harry D. Sanders, assistant corporation counsel of the City of Buffalo, appeared for the said city; there being presented on said hearing due proof of the publication of the notice of said hearing published in seven newspapers in the city of Buffalo as directed by this Commission; and there was also presented to the Commission at that time a duly certified copy of the franchise sought to be approved herein, consisting of the resolution of the common council of the City of Buffalo duly approved by the mayor of said city; said petitioner also offered in evidence the said map attached to the petition herein, which shows the location, connection, and extent of said proposed sidetrack or switch track; and there being no opposition to the petition herein; and it being hereby determined that the construction, maintenance, and operation of said sidetrack or switch track as well as the exercise of the said franchise and privilege therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby granted to the petitioners herein to lay, construct, and maintain at grade a switch track or siding in, upon, and along the public street in the city of Buffalo, Erie county, known as Lloyd street, for a distance of about 150 feet, running in a northerly direction from the intersection of said switch track or siding with the existing tracks of the petitioners in Prime street, as shown on said map filed with the papers in this case.

2. That permission and approval are hereby given to the said petitioners to exercise all the rights and privileges conferred by the said franchise so granted by them on the 12th day of July, 1915, by the board of aldermen of the City of Buffalo, concurred in on the 14th day of July, 1915, by the board of councilmen of said city, and approved by the mayor of said city on the 24th day of July, 1915, in accordance with and subject to all the terms and conditions thereof.

[Case No. 5244]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE
TOWN OF SOUTHAMPTON, Suffolk county, under section
90 of the Railroad Law for a determination as to the
manner in which a new highway laid out in said
town shall cross the Long Island railroad at Good
Ground.

A petition by the town board of the Town of Southampton having been filed with this Commission, asking for a determination as to the manner in which a new highway laid out in the town of Southampton shall cross the track of the Long Island railroad in said town; and at a hearing upon said petition duly held in New York city on January 4th last, at which representatives of said town board and of the railroad corporation were in attendance, and F. A. Buckmuller, a property owner, appeared in person: it having been established that the requirements of section 90 of the Railroad Law in respect

to a hearing upon the necessity of such new highway and proper notice of such hearing had been complied with; and further, that in compliance with section 190 of the Highway Law the county superintendent of highways has surveyed said proposed new highway, a map thereof marked Exhibit 2 having been presented at the hearing and filed; and it further appearing, and this Commission having determined, that the only practicable way of crossing the Long Island railroad by said new highway is to carry the grade thereof under that of the railroad, it is

Ordered: That the grade of the street or highway as laid out by the Town of Southampton, and as more specifically described in respect to its metes and bounds in the petition herein, shall be carried under the grade of the Long Island railroad, the structure provided therefor to consist of masonry abutments and a steel bridge carrying a solid floor, the clear headroom on roadway crown to be thirteen (13) feet and the spacing of the abutments to be such as to provide an opening measured at neat lines of masonry of twenty-five (25) feet. The grade on the approaches and at the crossing shall conform substantially with the surface of the ground on the north and south sides of the existing railroad embankment.

[Case No. 5339]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of HARRY J. BUTTS under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Oneonta [Petition No. 1].

This application for permission to operate a bus line in the city of Oneonta was brought on for a hearing at the office of the Commission in the city of Albany on January 7, 1916. At that time the petitioner was represented by his counsel, Owen C. Becker, esq., who stated that it was desired to abandon the application and to take no further proceedings thereunder. It is therefore

Ordered: That the request of the applicant for permission to abandon said proceeding be and the same hereby is granted, and the case closed upon the records of the Commission.

[Case No. 3211]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for the elimination of the following grade crossings in the town of Lloyd, Ulster county: (1) the North road to Black lake; (2) the New Paltz turnpike, also known as the Whittley crossing; and (3) for determining the manner in which the proposed new crossing at Brooks crossing shall be constructed.

It having been shown to the Commission that the Central New England Railway Company has removed the track of the New Paltz, Highland and Poughkeepsie Traction Company in the manner required by the order of this Commission made December 9, 1915, in so far as necessary to provide a clear width of highway of eighteen feet at all points, and that weather conditions have prevented the further progress of the work, and that it is not practicable to pursue said work further during the present winter season, it is

Ordered: That the time for completing compliance with said order of December 9, 1915, be and the same hereby is extended until June 1, 1916.

[Case No. 5131]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Portland, Chautauqua county, poles, wires, conduits, and fixtures for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 10th day of August, 1915, under section 68 of the Public Service Commissions Law, for permission to construct its electric plant, consisting of poles, wires, conduits, and fixtures, in the town of Portland, Chautauqua county, for transmitting and furnishing to the public electricity for light, heat, and power, and for the approval of the exercise of the franchise therefor received from the town board of said town and dated July 29, 1915;

thereafter a notice was duly published in the *Brocton Mirror* in accordance with the rules of this Commission, for all persons knowing any reason why such petition should not be granted to file the same with the Secretary of the Commission on or before September 14, 1915; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Buffalo, at which hearing Mr. Fred D. Corey of Buffalo appeared as counsel for the petitioner, and no one appeared in opposition thereto, but that on the 8th day of October, 1915, a letter was received from the town superintendent of highways of said Town of Portland, making objections to said franchise and stating that he did not approve of the same. And from all of such papers, proofs, and proceedings, the Commission having, on the 20th day of October, 1915, duly made an order denying the said petition for the reason that the said alleged franchise has not been granted and is not signed by the municipal authorities of the Town of Portland for the granting of said franchise, to wit the town superintendent of highways of said town. And the said petitioner having duly moved for a rehearing in this case which was granted by the Commission, and upon the said rehearing it was determined by the counsel for the Commission and the counsel for said petitioner to take an appeal from the said order, and argue the same upon an agreed state of facts at a term of the Appellate Division of the Supreme Court then being held in the city of Albany; that said appeal was accordingly taken and said argument was had at the November term of said court, and a decision has been handed down by the said court at the January term thereof which annuls the said order made by the Commission on the 20th day of October, 1915, and remits this case to the Commission for further action; and it being held by the decision of said court, as appears by the prevailing opinion of Mr. Justice Howard, that the petitioner herein having procured the said franchise from the town board of the Town of Portland, did thereby procure the consent of the proper municipal authorities, and that said petition was improperly denied, which said opinion is filed with the papers in this case. It is therefore

Ordered: 1. That the said order of the Commission herein dated October 20, 1915, be and the same hereby is in all things annulled, vacated, and set aside.

2. That permission and approval of the Commission are hereby given to the Niagara and Erie Power Company to construct, maintain, and operate all necessary poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public places of the town of Portland, Chautauqua county, which are mentioned and described in said franchise, for the purpose of transmitting electric power in and through said town, and for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said Town of Portland and the inhabitants thereof.

3. That permission and approval of the Commission are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by the said franchise granted by the said town board of the Town of Portland, Chautauqua county, July 29, 1915, subject to and in accordance with all the terms, conditions, and limitations of said franchise; it being determined by the Commission that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service.

4. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without first obtaining the consent of the State Commissioner of Highways.

[Case No. 5327]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of EVELYN H. BAILEY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, in the town of Starkey, Yates county, and for approval of a franchise to use highways and public places received from the town.

The petitioner, doing business under the name of Dundee Electric Lighting Plant, is now furnishing electricity within the incorporated village of Dundee, which is within the town of Starkey, in Yates county. It is desired to extend this service to other points in the town of Starkey, and particularly to Starkey Seminary and a locality known as Lakemont. The petitioner has received a franchise from the town board and the town superintendent of highways of the said Town of Starkey. At a public hearing held in the city of Geneva January 7, 1916, the petitioner appeared in person and by Edward L. Bailey; John S. Chadwick appeared as town superintendent of highways of the Town of Starkey; C. C. Harvey as supervisor of the Town of Starkey; and L. G. Bayly appeared for the State Department of Highways. There was no opposition to the approval of said franchise, and the evidence showed that there is a demand for electric service which the petitioner is prepared to meet. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Evelyn H. Bailey, under section 68 of the Public Service Commissions Law, to erect poles and to string and install wires above, under, through, and across the streets, roads, lanes, alleys, and highways within the limits of the town of Starkey, county of Yates, State of New York, for the purpose of supplying light, heat, power, and communication by electric current transmission.

2. That the permission and approval of the Commission be given to said Evelyn H. Bailey to exercise the rights and privileges conferred by said franchise granted by the superintendent of highways and the town board of the said Town of Starkey September 7, 1915, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

16 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5329]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF KINGSTON and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law as to the closing of Emerick Street grade crossing of the West Shore railroad (lessor) in said city.

Under this petition the Commission is asked to determine that public safety requires the abolition of an existing grade crossing of the West Shore railroad by Emerick street, the highway travel to be accommodated by the construction of a new street to be located between Emerick street and the street next southerly known as Stephan street, all as shown upon a plan attached to and made a part of the petition herein. The petitioning parties pending a determination of this matter by the Commission have agreed to the following method and arrangement for carrying out the improvement and meeting the expense thereof. The City of Kingston will provide a strip of land forty (40) feet in width between Emerick and Stephan streets for the proposed new street and will construct at its own expense a suitable roadway thereon. The railroad corporation will pay to the City of Kingston the sum of six hundred dollars (\$600) toward the cost of the necessary land. At the hearing held by the Commission on January 10, 1916, Messrs. H. L. Austin, attorney, and N. F. Thompson, engineer of grade crossings, appeared for the railroad company; and Mr. R. E. Leighton for the Universal Road Machinery Company, a property owner, in favor of the granting of the petition. The City of Kingston was not represented, but the mayor by letter desired to be permitted to appear in favor of the application at some future time in case the hearing should develop opposition to the intended project. No one appeared in opposition. Upon due consideration the Commission

Ordered: That the existing grade crossing of the West Shore railroad by Emerick street in the city of Kingston shall be closed and discontinued, and that the travel be diverted therefrom to Stephan street (located parallel to and distant about two hundred forty-five [245] feet southerly from Emerick street) by the construction of a new street forty (40) feet wide, said new street to be located approximately three hundred sixty (360) feet easterly from the railroad center line and as more accurately shown upon the plan heretofore referred to, said plan bearing the approval signatures of the chief engineer of the railroad company and of the city engineer of Kingston. The existing grade crossing shall however not be closed until said new street has been completed to the satisfaction of the municipal authorities and of this Commission. It is further provided and

Ordered: That in accordance with the terms of the agreement as set forth in the petition herein, the City of Kingston and The New York Central Railroad Company shall pay and discharge the entire expense of the construction and work herein authorized, including all costs, expenses, and damages whatsoever on account of the construction and work and of the taking of any lands, rights, or easements which may be necessary and required in the premises; this order being granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York on account of the construction and work herein author-

ized and provided for, and that no part of the cost of such work and construction or of any expenses incidental thereto shall be a charge upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State for the purposes either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise. The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, damages, and claims whatever on account of the work and construction herein authorized and provided for.

[Case No. 5349]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of JOHN P. VAN OSTRAND under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Geneva, the route now being operated in and from Geneva to and in the incorporated village of Rushville, Ontario and Yates counties.

The petitioner asks a certificate of convenience and necessity for a motor vehicle line operating from a point within the city of Geneva through certain streets of said city and thence along highways to the village of Rushville. A public hearing was held in the city of Geneva January 7, 1916, at which the petitioner appeared in person and by Lansing G. Hoskins as attorney; the New York State Railways appeared by Harris, Beach, Harris & Matson, its attorneys, and M. D. Kilbride, its superintendent of transportation. It appeared that the petitioner had received in accordance with law the consent of the local authorities of the City of Geneva, and that said consent provides among other conditions that no local passengers or property shall be carried from any point within said city to any other point within said city. There was no opposition to the granting of said certificate; and it appeared that there is a demand for the transportation of passengers by highway between the city of Geneva and the village of Rushville and intermediate points.

Now therefore this Commission hereby certifies that public convenience and necessity require the operation by John P. Van Ostrand of a motor vehicle or stage line or route as provided in the consent heretofore granted by the mayor and common council of the City of Geneva, a copy whereof is attached to the petition herein, to be operated only as a part of a line from said city of Geneva to the village of Rushville and intermediate points, but not to carry passengers locally from one point to another point within said city of Geneva. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Geneva, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

18 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2371]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Transit Conditions in the City of
Syracuse and Adjacent Territory (New York State
Railways). Supplemental
order.

Under subdivision (e) of paragraph (10) of the order made by this Commission on May 25, 1911, in the above entitled matter, the respondent was required to construct a new transformer station. It now requests an indefinite postponement of this provision of the order, it having taken the necessary steps to meet this required improvement in its system by increasing the capacity of its Tracy Street sub-station. In the opinion of the Commission, this action on the part of the respondent makes it unnecessary to provide the additional transformer station referred to in the order of May 25, 1911. It is therefore

Ordered: That the action of the company in increasing the capacity of its Tracy Street sub-station may and shall be considered as full compliance with the provisions of subdivision (e) of paragraph (10) of the order of this Commission dated May 25, 1911.

[Cases Nos. 5190, 5192]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF ALBANY *against* SCHENECTADY RAILWAY COMPANY as to stopping points and transfers in Albany; and against the United Traction Company as to transfers from the Schenectady railway in Albany.

In the matter of the Complaint of RESIDENTS OF THE CITY OF ALBANY *against* UNITED TRACTION COMPANY as to operation of cars on its Albany West City Line route; and against the United Traction Company and Schenectady Railway Company as to transfers in Albany.

These complaints were filed with the Commission on September 7 and 8, 1915. The complainants request that an order be made directing the United Traction Company and the Schenectady Railway Company, as follows:

1. That the United Traction Company arrange its schedule for the operation of its cars on the West City Line route between Watervliet avenue and

the city line so that cars shall be properly spaced and not trail or immediately precede those of the Schenectady Railway Company.

2. That the Schenectady Railway Company immediately restore Stop No. 36 (King avenue) and Stop 35 (opposite the premises of F. A. Danker, florist) on Central avenue.

3. That the United Traction Company install a system of transfer by means of which passengers paying a five cent fare upon its lines may be transported within the limits of the city of Albany on the cars of the Schenectady Railway Company without the payment of additional fare, and that the Schenectady Railway Company accept such transfer.

4. That the Schenectady Railway Company carry passengers to and from and between any and all stops or stations in all directions upon the lines over which its cars are operated within the limits of the city of Albany, on all cars, including the limited cars.

5. That the Schenectady Railway Company and the United Traction Company arrange and put in operation a system of transfer tickets by means of which passengers boarding the cars of the Schenectady Railway Company at any stop or station in the city of Albany shall be entitled to transportation upon the cars of the United Traction Company to their destination within said city without the payment of an additional fare.

After proper notice, a public hearing on these complaints was held at the office of the Commission in the city of Albany on December 1, 1915. The complaints being of a similar character were merged by agreement at the hearing. The complainants were represented by Reuben S. Calkins, esq.; and the respondents by Mr. Robinson, of Naylor & Robinson, Schenectady, as attorneys for the Schenectady Railway Company, and Mr. James F. Hamilton, general manager of the Schenectady Railway Company; Lewis E. Carr and John E. MacLean, as attorneys for the United Traction Company. From the testimony taken at the public hearing and investigations made by the Commission in reference to the different allegations of the complaints and requests of the complainants, the following facts are developed and conclusions reached:

The Schenectady Railway Company operates a transportation system in the city of Schenectady, with interurban lines extending to the cities of Saratoga, Troy, and Albany. The cars on the latter route are run over the tracks of the United Traction Company between the city line of Albany and the terminus of the route, the foot of State street and the Union Station, an approximate distance of 4½ miles. This operation is under the authority of contract between the two companies. The Schenectady Railway Company on its Albany division operates two classes of service, one known as "local" the other as "limited," the local cars running to and from the terminus of the line at the foot of State street and the limited cars running to and from the terminus at the Union Station. Local cars are run on 30-minute headway; limited, each hour between 9 a. m. and 7 p. m. All cars, local and limited, eastbound, make all stops in the city of Albany at which passengers desire to leave cars. Eastbound local cars make all stops to receive and discharge passengers between the city line and Stop No. 36, the first stop west of Watervliet avenue. The distance between city line and Stop No. 36 is approximately 1270 feet. Westbound limited cars stop to receive passengers at any stop of the United Traction Company within the city limits. These cars do not stop to discharge passengers at any stop within the city limits. Westbound local cars make all of the stops of the United Traction Company when necessary to receive passengers, but do not make any stops to discharge passengers east of Stop No. 36, but between Stop No. 36 and the city line [Stop No. 33] make all stops to receive and discharge passengers. Prior to September 1, 1915, proper means was not employed by the Schenectady Railway Company to notify the public, either by advertisement, posted notices on its cars, or verbal instructions by conductors, that local passengers were not carried westbound on its limited cars, and that such passengers were not carried on its local cars whose destination was east of Stop No. 36. By reason of this fact, at times passengers whose destination was east of Watervliet avenue boarded this company's westbound

cars and were inconvenienced by reason of the cars not stopping to let them off at destination, and by the further reason that they were not afforded the transfer privilege which they might have had by using the cars of the United Traction Company. On complaint, after public hearing, and to relieve this situation, on August 2, 1915, this Commission ordered in effect, that whenever the Schenectady Railway Company carries local passengers in the city of Albany on its westbound cars, it shall, upon request of any such passenger, issue to him or her a transfer to a connecting line of the United Traction Company; and the United Traction Company was ordered to honor and accept such transfer when presented by a passenger on its cars, if presented within the limitations of its rules. On October 11, 1915, the Schenectady Railway Company caused a notice to be posted on all of its cars operated in the city of Albany, reading as follows: "This car does not carry westbound passengers in the city of Albany"; and its conductors were instructed to notify passengers when boarding cars to that effect. Tariffs were filed by the company with this Commission in accordance with the above notice and rule. This action on the part of the company, while not in any manner violating the order of the Commission of August 2, 1915, made the enforcement of the order impracticable, as where no passengers are carried, no transfer privilege is necessary.

The tracks between the city line and Watervliet avenue were constructed and owned by the Schenectady Railway Company, and in 1901 it began operating its cars over the tracks of the United Traction Company in the city of Albany. November 30, 1908, the United Traction Company acquired ownership of these tracks and has since operated a local service on them. At present, cars of the West Albany-City Line route are run between Watervliet avenue and the city line on a 20-minute headway. This service is supplemented by the local cars of the Schenectady Railway Company which are operated on a 30-minute headway, the joint service being five cars per hour in each direction. The relator alleges that these cars are not run in the most efficient manner to accommodate the traffic, and that the cars of the Schenectady Railway Company either trail or immediately precede those of the United Traction Company. There is no complaint that the number of cars, if properly spaced, is not sufficient. If cars were uniformly spaced they would make a 12-minute headway. The eastbound schedule provides for a United Traction car leaving the city line at 7, 27, and 47 minutes after the hour. The eastbound schedule of the Schenectady Railway Company provides for cars leaving that point at 21 and 51 minutes after the hour. The interval between these scheduled cars would be as follows: The United Traction car leaving at 47 is followed by a Schenectady car at 51, making a 4-minute interval; the United Traction car leaving at 27 is preceded by a Schenectady car leaving at 21, making a 6-minute headway; the United Traction car leaving at 7 minutes after the hour is preceded by a Schenectady car leaving at 51, making a 16-minute interval. This shows that the schedule spacing of cars is not uniform, varying from 4 to 16 minutes.

The combined service furnished by these companies in this section is in reasonable amount to meet the traffic requirements, except possibly during the evening rush hours when fluctuations in travel result in standing loads on some of the cars. Convenience of travel would be increased if cars were uniformly spaced. There are however serious operating obstacles in the way of so doing. Cars on the West City line must be scheduled to conform with the operation of the North Albany-Second Avenue cars and other lines with which they are run over common track. The schedule of the Schenectady cars must be made to conform with the schedules of other cars in both the cities of Albany and Schenectady, but as long as the Schenectady cars are utilized for supplementing the service of the United Traction Company between these points, every effort should be made to bring about a uniform spacing of cars which is one of the essentials of proper service.

It was claimed that Stops Nos. 35 and 36 between city line and Watervliet avenue had been eliminated, and testimony was presented in support of this allegation. The general manager of the Schenectady Railway Company testified in effect that he had no knowledge that these stops had been

eliminated, and if cars were not making the passenger stops at these points, gave assurance that they would in the future. Notwithstanding this assurance, the relators desire an order of the Commission directing the company to cause these stops to be made. The Commission deems this unnecessary, but will exercise its authority in another direction to cause these stops to be made.

Items 3, 4, and 5 of the complaint all refer in different ways to the proposition of the Schenectady cars, both local and limited, being used in Albany city local service, and the Commission is requested to direct by order to the two companies that operation be modified to bring this about. The Commission is of the opinion that in this particular case it would be undesirable to compel the Schenectady Railway Company to carry local passengers on all of its cars in the city of Albany and to issue transfers to such passengers good for continuing rides upon the cars of the United Traction Company within that city. However, in the case of eastbound cars, operated between West City line and Stop No. 36 which supplements the local United Traction Company's service, passengers are equitably entitled to transfer privileges; and on December 11, 1914, the Commission issued an order to the Schenectady Railway Company that it arrange with the United Traction Company to accomplish this result. This order at present is being complied with.

The Commission's opinion in reference to the different items of the complaints mentioned is largely based on the following considerations: Schenectady is, in the broadest sense, an industrial city in which two of the largest manufacturing establishments in this country are located. The city's growth in population has been phenomenal. A large number of the employees of these industrial plants reside in the city of Albany. A considerable number of persons residing in the city of Schenectady are employed in the different state departments in the city of Albany. These constitute a daily travel of wage earners between these two cities. This travel especially requires convenient, rapid, and reliable transportation. There is a travel between Albany and Schenectady by students attending the State Normal College and the Union College which is secondary only to that of the industrial and state employees. In addition, Albany is a shopping center for outlying sections; a portion of this class of travel originates in the city of Schenectady. There is also a considerable commercial travel between the two cities, to especially accommodate which the limited cars of the Schenectady Railway Company are run to and from the Union Station in Albany. For the year ended June 30, 1915, there were 1,777,989 passengers carried on this division. To provide for this travel, the facilities of the Schenectady Railway Company are utilized to their fullest extent. Such interurban service is furnished to and from all of the larger cities in this Public Service District, and is considered essential to the welfare of the adjacent territories and the urban population. In most cases it is being encouraged, and in some to the segregation of through and local travel.

The United Traction Company has and exercises a franchise to furnish transportation within the city of Albany. It is obligated to, and this Commission has exercised its authority to insure that it shall, furnish a reasonable service to its patrons. The present operation of Schenectady cars over its tracks does not prevent this being done. There is no statement in the complaint, in the testimony, or in the relators' brief in this case, that such service is not being furnished, nor is any claim made that proper transportation requires supplementing the United Traction Company's service by the cars of the Schenectady Railway Company in the city of Albany. The nearest approach to such an allegation is the claim that the cars between the city line and Watervliet avenue are not properly spaced, and the admission is made that a sufficient number of seats would be available between these points if cars were properly distributed.

The modern car for city service, and the one adopted in nearly all cities, is the P.A.Y.E. with front exit, low steps, and other characteristics of construction designed to meet the requirements of heavy city travel especially during the rush hours. One of the controlling requirements in the con-

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struction of such a car is the means of facilitating rapid movement of passengers in boarding and alighting and their safety while so doing. These requirements are met in the modern P.A.Y.E. car by means of the low folding step and mechanically operated door which also provides a front exit. The cars of the Schenectady Railway Company are especially designed for the service they were intended for, namely interurban travel. They are a large, heavy car. Those used on the Albany line are all provided with smoking compartments; all of them are fifty feet long, seat fifty-four or more passengers, with cross seats, center aisle. They are equipped with three steps which adds to the delay and increases the possibility of accident to passengers in boarding and alighting from cars. Until thoroughly considered, this delay may not appear to be an important element, but when it is realized that cars are run up State street and Washington avenue during the evening rush hours on less than one-minute headway, a few seconds delay at each passenger stop, and these delays are accumulative, means serious interruption to car movement. These cars are unsuitable for city service in the congested sections through which they run in the city of Albany, and the fact that passengers are carried on them locally in the city of Schenectady does not in any manner overcome the objectionable features of their use for such service in the former city. That cars may be run through the streets in the city of Albany not carrying local passengers, and still by this reason be of material benefit to the general transportation system, is illustrated by the fact that during the rush hours a number of cars on the Pine Hills line are diverted from their regular route and run as "express" via South Pearl street, Hudson avenue, Hamilton and Lark streets, not picking up or discharging passengers between these points. This is done with material benefit to the Pine Hills service.

Therefore, upon the foregoing statement of facts and for the reasons herein set forth, based on the particular necessities and equities of the traffic requirements involved in this case, it is hereby

Ordered: 1. That the United Traction Company and the Schenectady Railway Company be and they hereby are directed, so far as practicable, to immediately arrange their schedules so that the cars of both companies operating between Watervliet avenue in the city of Albany and the westerly line of the city of Albany, in both directions, shall hereafter be run upon a uniform headway.

2. That in other respects this petition be and the same hereby is denied.

3. That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5276]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of PATRONS OF STOP 35
ON EMPIRE UNITED RAILWAYS, in the town of Oswego,
Oswego county, *against* EMPIRE UNITED RAILWAYS,
INC., asking that a shelter station be provided at said
stop.

A large number of persons describing themselves as patrons of Stop 35 on the line of the Empire United Railways, extending from Syracuse to Oswego, ask that the respondent be required to establish a shelter station at Stop 35.

Stop 35 is about one-half mile north of Minetto station on respondent's lines, and about four miles south of Oswego. At Minetto there is a regular station, heated and lighted. At Stop 35 the railroad passes under a highway. A strip of land adjoining the highway was conveyed to the town and a path graded upon this strip from the highway down the embankment to the tracks. There is at present no shelter at this point, and passengers awaiting cars must stand exposed to the weather. There are about twenty-five dwellings so situated that Stop 35 is more convenient for the use of their inhabitants than the station at Minetto. A count made by the respondent shows that during a period of twelve days in the month of August, one hundred and seventeen passengers boarded the cars at Stop 35; approximately ten passengers a day. Evidence by the complainants tends to show, however, that some persons use the stop regularly going to Oswego in the morning and returning in the evening, and that at times at least six or seven passengers take the same car. The traffic is not sufficient to warrant the cost of constructing and maintaining a large or elaborate structure, but climatic conditions require that some provision be made to shelter waiting passengers. A frame structure not less than six feet by eight, enclosed on all sides but not necessarily provided with glazed windows, artificial light, or heat would under the circumstances satisfy reasonable requirements. It is therefore

Ordered: 1. That the respondent, as soon as practicable and not later than March 1, 1916, construct a shelter complying with the foregoing requirements, and thereafter maintain the same unless otherwise ordered by this Commission.

2. That the respondent notify the Commission within ten days from the service of this order as to its acceptance thereof.

[Case No. 5340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of HARRY J. BUTTS under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Oneonta [Petition No. 2].

An application was filed by the petitioner with the Commission on November 27, 1915, pursuant to the provisions of chapter 667 of the laws of 1915, asking for a certificate of convenience and necessity from this Commission to permit the operation of a motor vehicle or auto bus line in the city of Oneonta. The petition proposes to operate this bus line in the city of Oneonta to transfer passengers between hotels and railroad stations, and to charge a fare of not less than ten cents for each passenger, which is to include one grip, satchel, or suit case, and an additional charge of five cents for each additional piece of hand baggage. The petitioner made application to the common council of the City of Oneonta as required by law for permission to operate a motor vehicle or auto bus line in the city of Oneonta for the purposes aforesaid, and consent was granted by the common council of the City of Oneonta on November 4, 1915, at a meeting duly called and held, a certified copy of the same being attached to the petition. A hearing was held before the Commission in the city of Albany on January 7, 1916, at which time the petitioner was represented by Mr. Owen C. Becker of Oneonta;

Mr. N. P. Willis of Cooperstown appeared as attorney for the Otsego and Herkimer Railroad Company. There was no opposition to the granting of the certificate by this Commission except that the attorney for the railroad company requested that the route through the streets in the city of Oneonta over which it is proposed to operate should be definitely set forth in the order of the Commission. The proposed bus line will operate on a portion of two streets in the city of Oneonta upon which the Otsego and Herkimer Railroad Company now operates a trolley line, to wit Main street and Broad street, but it does not appear that such operation will tend to be prejudicial to the railroad company. The Commission, upon the facts herein set forth, having determined that the application should be granted, hereby certifies that the conditions required by law have been complied with by the petitioner herein, and that public convenience and necessity require the operation of a motor vehicle or auto bus line in the city of Oneonta, N. Y., for the purpose of transferring passengers between the Windsor Hotel; Oneonta Hotel, the station of The Ulster and Delaware Railroad Company, and the station of The Delaware and Hudson Company, and between the station of The Ulster and Delaware Railroad Company and the station of The Delaware and Hudson Company, in accordance with the terms and conditions set forth in a certain consent granted to the petitioner by the common council of the City of Oneonta on the 4th day of November, 1915. Such motor vehicle or auto bus line is to be operated upon, along, over, and across the following streets, avenues, and public places in the city of Oneonta, N. Y., for the purpose of carrying and transferring passengers and baggage between the points hereinbefore set forth, to wit Chestnut street between the Windsor Hotel and Market street; Wall street from Chestnut street to Deitz street; Deitz street from Wall street to Main street; Main street from Chestnut street to Otsego street; Otsego street from Main street to Fair street; Fair street between Grand street and Hickory street; Hickory street between Fair street and Lewis street; Lewis street between Hickory street and Delaware avenue; Delaware avenue between Lewis street and Railroad avenue; Railroad avenue between Delaware avenue and the station of The Ulster and Delaware Railroad Company; Market street from Chestnut street to Broad street; Broad street from Main street to the Delaware and Hudson station; South Main street from Main street to Prospect street; Grand street from Main street to Prospect street; Prospect street from Grand street to Broad street. The petitioner shall charge a fare of not less than ten cents for each passenger carried by said motor vehicle or bus line over the whole or any portion of its route. The rights obtained under this certificate shall not be assigned nor transferred without the consent of this Commission.

[Case No. 5342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of INTERNATIONAL RAILWAY COMPANY as to proposed extension of its railroad between Buffalo and Niagara Falls crossing certain streets and highways, and as to said extension crossing railroads; also as to certain franchises.

Appearances: Cohn, Chormann & Franchot, attorneys, for International Railway Company; H. D. Sanders, assistant corporation counsel, for the City

of Buffalo; T. H. Burgess and E. E. Minard, attorneys, for the Erie Railroad Company; Hoyt & Spratt, attorneys, The New York Central Railroad Company; F. A. Hermans for State Highway Commission.

A petition having been filed with this Commission by International Railway Company for a determination of how a proposed double-track extension of its electric railroad between the cities of Buffalo and Niagara Falls shall cross certain streets and highways and steam and electric railroads; and public hearings of said petition, after due notice, having been held by this Commission in the city of Albany on December 22 and 29, 1915, at which those named hereinabove appeared; and it appearing that the petitioner was incorporated as a street surface railroad; that the certificate of this extension was filed under section 170 of the Railroad Law affecting street surface railroads, but that the greater part of the right of way, to wit from the city of Tonawanda to Niagara Falls, for the extension is that which was owned by the former Buffalo, Thousand Islands and Portland Steam Railroad Company, unconstructed; and that from Buffalo to the city of Tonawanda the railroad will also be mainly on private right of way, and is intended to be a high speed railroad, with stations at various points but few in number, the extension being mainly for through passenger travel, operated by the overhead electrical trolley system of motive power, making it similar to steam railroads on which electricity is or may be substituted as motive power [section 99 Railroad Law, as amended by chapter 613, laws of 1915]; and this Commission finding, for these reasons, that section 89 of the Railroad Law applies to the street and highway crossings in question and requires this Commission to determine the manner of crossing; now, after due consideration, this Commission, upon certain conditions in certain cases hereinafter named, hereby determines, under section 89 of the Railroad Law, that it would be impracticable for the said double-track extension of the International railway to cross otherwise than at grade the streets and highways hereinafter named in the municipalities hereinafter named except where a method of crossing otherwise than at grade is hereinafter named, and in such cases this Commission hereby determines that said crossing shall be over or under the street or highway as hereinafter set forth, to wit:

City of Buffalo: At grade the south one-half of Kenmore avenue.

Town of Tonawanda (Erie county): At grade the north one-half of Kenmore avenue; at grade Englewood avenue; at grade Belmont avenue (or Ochs road); at grade Schell road.

City of Tonawanda: Over the Williamsville road highway and the Ellicott Creek road highway by one overhead bridge carrying said railroad over both highways; over Tonawanda Creek road highway by an overhead bridge carrying said railroad.

City of North Tonawanda: Over Sweeney street by an overhead bridge carrying said railroad over the street; over Tremont street by an overhead bridge carrying said railroad over the street; over Goundry street by an overhead bridge carrying said railroad over the street; over Christiana street by an overhead bridge carrying said railroad over the street; over Schenck street by an overhead bridge carrying said railroad over the street; over Ransom street by an overhead bridge carrying said railroad over the street; over Robinson street by an overhead bridge carrying said railroad over the street; over Wheatfield street by an overhead bridge carrying said railroad over the street; at grade Payne avenue; at grade Linwood avenue; at grade Fredericka street; at grade East Felton street; at grade Jackson avenue; at grade Stenzel street; at grade Ward road; at grade Witmer road; at grade any other alleged streets north of Wheatfield street to the city line, including Sixteenth street, Seventeenth street, Eighteenth street, and Nineteenth street.

Incorporated Village of LaSalle: At grade the Military Road; at grade Main street; at grade Brickyard road (or Tompkins street); at grade Gombert street; at grade Griffin street; at grade Evershed street.

City of Niagara Falls: At grade Evershed street; at grade Roxbury street; at grade Sugar street; at grade Packard road; at grade Twenty-seventh street; at grade Twenty-fourth street; at grade Twenty-second street; at grade

Cross street; at Portage road this railroad and the Portage road, it is understood, will be carried under steam railroads in an undercrossing hereinafter mentioned, in the cost of which the State participates in no way; upon condition, however, (a) that the International Railway Company shall accept, and file with this Commission proof of acceptance of, the fourth and fifth conditions of a consent to said railway granted December 27, 1915, by the Board of Aldermen; December 29, 1915, by the Board of Councilmen; and approved December 31, 1915, by the Mayor of the City of Buffalo, respecting construction of its railroad in the one-half of the said Kenmore avenue which is in the city of Buffalo (and possibly other streets in the said city), which conditions are as follows:

Fourth: That if the tracks of said company constructed under this consent shall be at the grade of such streets, they shall be constructed in accordance with such plans as shall be approved by the city authorities in control of public works, and shall be so built and operated as not to obstruct travel upon such streets; and in case at any time any crossing at grade by the railroad tracks of any of the streets included within this consent shall be abolished, or any viaduct or subway shall be constructed for the purpose of carrying any of said streets across such railroad, then the increased expense of such change or separation of grades, by reason of the presence of the said tracks of said company, or of the necessity of providing for such tracks within the city of Buffalo, shall be borne by said International Railway Company.

Fifth: That if the City of Buffalo or any other municipality having an interest in said crossing shall at any time hereafter apply to the Public Service Commission for an order directing the abolition of the crossings at grade of the existing tracks of the International Railway Company at Kenmore avenue, or of any tracks constructed under the terms of this consent at Kenmore avenue, then said International Railway Company, or its successors in interest, shall submit to the jurisdiction of the said Commission, and hereby waives any right to object to the jurisdiction of said Commission to make an order directing the abolition of such grade crossings and the construction of a viaduct or subway for the purpose of carrying said streets across such railroad tracks.

(b) That before the International Railway Company shall attempt to construct the said extension of its railroad across any of the streets and highways hereinabove named which are in the village of LaSalle or the towns of Tonawanda (Erie county) or Wheatfield (Niagara county) it shall have obtained an order of the Supreme Court, under section 21 of the Railroad Law, and filed properly certified copy of said order with this Commission.

(c) That if at any time after the date of this order proceedings shall be instituted in the manner provided by law for the change or alteration of any of the crossings made at grade by the petitioner herein or its successors, then and in that event the petitioner and its successors shall be bound by the provisions of the laws of the State of New York relative to the change or alteration of grade crossings, and shall pay the same proportion of the cost of the work as would be paid by a steam surface railroad under like conditions, and shall not claim in any such proceedings any exemption from the obligations which it or they may be required to assume under the provisions of this order; nor shall any claim be made by the petitioner or its successors in any of the proceedings contemplated in this paragraph that it or they are exempt from the provisions of this order relative to grade crossings because of the fact that it is a street surface railroad, it being the intent hereof that proceedings to alter or change any of the crossings referred to herein may be made in accordance with the statutes relating to the altering or changing of similar crossings involving a steam surface railroad and that the petitioner and its successors shall be bound by such proceedings in all respects.

1. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross the existing railroad of The New York Central Railroad Company, at a point near the Williamsville Road highway and the Ellicott Creek road highway, in the city of Tonawanda, above the grade of said existing railroad by an overhead bridge, and that the International Railway Company shall pay the entire cost of said overhead bridge crossing: this determination under section 98 of the Railroad Law as to said proposed overhead bridge crossing being upon condition that an agreement between the International Railway Company and The New York Central Railroad Company regarding this proposed overhead bridge crossing shall in the future be submitted to

this Commission for approval, and that if the agreement is not approved by this Commission this determination under section 98 of the Railroad Law as to said proposed overhead bridge crossing shall be void.

2. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross the existing railroad of The New York Central Railroad Company, known as the Lockport branch of the New York Central, in the city of North Tonawanda, above the grade of said existing railroad by an overhead bridge, and that the International Railway Company shall pay the entire cost of said overhead bridge crossing: this determination under section 98 of the Railroad Law as to said proposed overhead bridge crossing being upon condition that an agreement between the International Railway Company and The New York Central Railroad Company regarding this proposed overhead bridge crossing shall in the future be submitted to this Commission for approval, and that if the agreement is not approved by this Commission this determination under section 98 of the Railroad Law as to said proposed overhead bridge crossing shall be void.

3. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross the existing railroad of the Erie Railroad Company which is leased to and operated by this petitioner, and which is known as the Lockport branch of the International railway, in the city of North Tonawanda, above the grade of said existing railroad by an overhead bridge, and that the International Railway Company shall pay the entire cost of said overhead bridge crossing: this determination under section 98 of the Railroad Law as to said proposed overhead bridge crossing being upon condition that before any work of construction is undertaken upon the overhead crossing of the Lockport branch of the International Railway Company's line, the ownership of the fee of which is in the Erie Railroad Company, the plans therefor shall be submitted to and approved by the chief engineer of the Erie Railroad Company, or if not so approved by him shall be submitted to the Public Service Commission for its approval upon notice to Erie Railroad Company.

4. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross at grade the present Niagara Falls branch of the International railway in Payne avenue, in the city of North Tonawanda, and that the International Railway Company shall pay the entire cost of said grade crossing; and that the International Railway Company shall provide at said grade crossing, and maintain and operate, such mechanical safeguards if any as may be prescribed by this Commission in the future, and shall comply with such orders of this Commission respecting operation of any of its cars at said grade crossing as may be made in the future.

5. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross the present Niagara Falls branch of the International railway near the northerly city line of the city of North Tonawanda, below the grade of said present Niagara Falls branch, that is to say in an existing undercrossing, and that the International Railway Company shall pay the entire cost involved in thus using the undercrossing.

6. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross at grade an existing railroad switch track or siding of the Erie railroad at the car-barns, at Gratwick, in the town of Wheatfield, Niagara county, and that the International Railway Company shall pay the entire cost of said grade crossing.

7. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross at grade an existing railroad switch track or siding near the Dold Farm, in the town of Wheatfield, Niagara county, and that the International Railway Company shall pay the entire cost of said grade crossing.

8. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway

shall cross at grade five existing railroad switch tracks or sidings which lead from the Erie railroad, in the incorporated village of LaSalle, Niagara county, and which are located at various points in said village, and that the International Railway Company shall pay the entire cost of said grade crossings.

9. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross the existing railroad of the Niagara Junction Railway Company, in the city of Niagara Falls, below the grade of said existing railroad, that is to say in an existing undercrossing, and that the International Railway Company shall pay the entire cost of thus using the undercrossing.

10. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross at grade three existing railroad switch tracks or sidings which lead from the Erie railroad, in the city of Niagara Falls, and which are located at various points in said city: one connecting with the Niagara Junction railway, one with the Union Carbide plant, and the other being unused, and that the International Railway Company shall pay the entire cost of said grade crossings.

11. The terms of an agreement made May 15, 1914, between Erie Railroad Company and International Railway Company, copy of which is filed with the papers in this case, and which refers to the right of way of the Frontier Electric Railway Company, shall under this determination apply to the grade crossings referred to in paragraphs numbered 6, 7, 8, and 10 of this determination; and the International Railway Company shall provide at said grade crossings, and maintain and operate, such mechanical safeguards if any as may be prescribed by this Commission in the future, and shall comply with such orders of this Commission respecting operation of any of its cars at said grade crossings as may be made in the future.

12. And this Commission hereby further determines, under section 98 of the Railroad Law, that said double-track extension of the International railway shall cross the existing railroad of The New York Central Railroad Company and the existing railroad of the Erie Railroad Company at Portage road, in the city of Niagara Falls, in an undercrossing, and that the International Railway Company, The New York Central Railroad Company, and the Erie Railroad Company shall each pay such proportion of the cost of such undercrossing as is named in a proposed agreement between the said three railroad companies and the Niagara Junction Railway Company and the City of Niagara Falls, which agreement provides for changing the said Portage Road existing grade crossing of the New York Central and the Erie railroads to an undercrossing, the State to pay no part of the cost.

13. Pursuant to the provisions of section 53 of the Public Service Commissions Law, the permission and approval of this Commission are hereby given to the exercise by the International Railway Company of a franchise granted to it on December 27, 1915, by the board of aldermen of the City of Buffalo, and on the 29th day of December, 1915, by the common council of said city, and approved by the mayor of said city on the 31st day of December, 1915; and the permission and approval of this Commission are hereby given to said International Railway Company to begin construction of an extension of its railroad and to operate the same across Kenmore avenue, and possibly other streets in the city of Buffalo, subject to the provisions of said franchise.

14. Pursuant to the provisions of section 53 of the Public Service Commissions Law, the permission and approval of this Commission are hereby given to the exercise by the International Railway Company of a franchise granted to it on September 30, 1915, by the town board and superintendent of highways of the Town of Tonawanda, Erie county; and the permission and approval of this Commission are hereby given to said International Railway Company to begin construction of an extension of its railroad and to operate the same on the highways and public places covered by said franchise, subject to the provisions of said franchise.

15. This determination is not intended, nor shall it be construed, to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5377]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the VILLAGE BOARD
OF WHITESBORO concerning the condition of track,
roadbed, and paving on Main street in the village of
Whitesboro, N. Y.

In March, 1915, the village board of the Village of Whitesboro complained to the Commission concerning the condition of the tracks of the New York State Railways through Main street in that village. The condition complained of pertains to about 1½ miles of track. An investigation and inspection was made by the electric railroad inspector of the Commission in the month of March, 1915, and also in the month of July, 1915. Certain recommendations were made by him which were communicated to the company. The electric railroad inspector of the Commission has recently reported that the track is not in proper condition for the operation of cars and the comfort and convenience of the traveling public, and recommends that said track be put in proper condition during the Spring of 1916. It is therefore

Ordered: 1. That the New York State Railways shall put its track on Main street in the village of Whitesboro, for a distance of approximately 1½ miles, in proper condition for the transportation of passengers upon, over, and along said track in safety, comfort, and convenience, such work to be commenced not later than May 1, 1916, and completed as soon thereafter as weather conditions will permit.

2. That said New York State Railways report to this Commission within ten days from the date of this order whether the same is accepted and will be obeyed by it.

[Case No. G. C. 432]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CITY OF BUFFALO
under section 90 of the Railroad Law for this Com-
mission to determine the manner and method in
which Elmwood avenue in said city shall cross the
New York, Lackawanna and Western railway, leased
to and operated by The Delaware, Lackawanna and
Western Railroad Company.

Order amending order of August 1, 1911.

An order having been heretofore duly made herein on the 1st day of August, 1911, determining that Elmwood avenue in the city of Buffalo shall be carried under the revised grade of the New York, Lackawanna and Western

railway in a subway as therein provided, to which order reference is hereby made; and it having been made to appear to the Commission that the work provided for by said order has not been commenced for several reasons, among which is the fact that there has been a disagreement between the City of Buffalo and the railroad companies interested herein concerning certain matters relating to such crossing; and Mr. William S. Rann, corporation counsel of the City of Buffalo, Mr. Harry D. Sanders, assistant corporation counsel, and Mr. L. W. Eighmie, engineer of the board of public works of said city; and Mr. Louis L. Babcock, attorney for The New York, Lackawanna and Western Railway Company and The Delaware, Lackawanna and Western Railroad Company, its lessee, and Mr. D. R. Young, assistant engineer for said companies, having come to the Commission and asked for an amendment to the said order in such particulars as such interested parties have agreed upon. Now, upon all the papers and proceedings herein, including a certain plan approved by the department of public works of the City of Buffalo and the engineer of said railroad companies, and which plan is filed with the papers in this case, and all of said parties consenting thereto, it is

Ordered: That the said order dated August 1, 1911, be and the same hereby is amended by striking out all the provisions thereof which follow subdivision "c" of said order, and in place and stead of the portions of said order so stricken out there shall be inserted the following, to wit:

(d) The grade of The New York, Lackawanna and Western railway shall be raised about seven (7) feet and Elmwood avenue shall be depressed about twelve (12) feet below the present ground surface at their point of intersection, as shown upon the said plan hereinbefore referred to.

(e) The approaching grades on Elmwood avenue on each side of the tracks shall be as follows: On the south approach, descending toward the subway at the rate of 2.754 per cent; and on the north approach, descending toward the subway at the rate of 3.684 per cent. A surface drainage grade of about 0.35 per cent, and extending for about seventy-five (75) feet in the subway, shall also be constructed, and the surface water shall be properly led to a brick sewer in Elmwood avenue by means of a suitable number of catch-basins.

This work shall be done substantially in accordance with the plan above referred to and which is on file with this Commission, and which is entitled "D., L. & W. R. R. Buffalo Div. Proposed Crossing under D., L. & W. R. R. Tracks of Elmwood Avenue, Black Rock Branch, March 5, 1912. Revised March 11, 1915, for street approach grades." And such plan bearing the written approval of George H. Norton, deputy engineer commissioner for the City of Buffalo, and G. J. Ray, chief engineer for The Delaware, Lackawanna and Western Railroad Company. Inasmuch as the order herein dated August 1, 1911, determines that the grade of the said New York, Lackawanna and Western railway shall be raised about six (6) feet, and such amended plan provides that the same shall be raised about seven (7) feet.

It is further Ordered: That the increased cost of grading required to elevate the tracks of said railroad seven (7) feet at Elmwood avenue, over what would be the cost of raising the same six (6) feet as originally provided, shall be paid by The New York, Lackawanna and Western Railway Company or its lessee; and in view of the fact that the City of Buffalo and said The New York, Lackawanna and Western Railway Company and its lessee have agreed between themselves concerning the expense of paving Elmwood avenue within the limits of the work hereby authorized, this Commission will make no order respecting the same.

It is further Ordered: That said original order dated August 1, 1911, as the same is herein modified and amended, is ratified and confirmed.

[Case No. 4893]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of WEST VIRGINIA PULP
& PAPER COMPANY *against* BOSTON AND MAINE RAIL-
ROAD.

Upon the findings contained and for the reasons stated in the accompanying
opinion, it is

Ordered: 1. That respondent, Boston and Maine Railroad, be and is hereby
directed and required to put in force within ten days after the receipt by it
of this order, a rate or charge for switching loaded cars in either direction
between complainant's, West Virginia Pulp & Paper Company, plant or yard in
Mechanicville, N. Y., and the customary place of delivery upon or at the
tracks of The Delaware and Hudson Company in Mechanicville, which shall
not exceed the sum of fifteen cents per ton of 2000 pounds as applied to the
weight of the lading contained in each loaded car so switched or hauled, the
rate to be subject to a minimum charge of not in excess of \$3 per car, special
permission of the Commission for the establishment of such rate or charge
on less than statutory notice being hereby granted, the tariff authority there-
for to contain the notation "Issued on one day's notice to the public and the
Commission under order of the Public Service Commission, Second District,
State of New York, of date January 18, 1916, in case No. 4893".

Ordered: 2. That respondent, Boston and Maine Railroad, shall file with the
Commission its notice concerning acceptance of the terms and provisions of this
order, under section 23 of the Public Service Commissions Law, on or before
the 28th day of January, 1916.

Ordered: 3. That this order shall remain in force and effect for a period of
three years from the date hereof unless sooner superseded, abrogated, or can-
celed by further order of the Commission.

[Case No. 5252]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of H. PAULDING, Hunt-
ington, N. Y., *against* ADAMS EXPRESS COMPANY as
to cancellation of commodity rates on cider from
Huntington, N. Y., to points in Brooklyn, N. Y.,
Long Island City, N. Y., and New York, N. Y. (Man-
hattan), 72nd street and south.

The complainant ships a high grade cider, in bottles, in cases, from Hunt-
ington, L. I., to points in New York city (Manhattan, 72nd street and south).

Long Island City, and Brooklyn. The service he requires from the express company is transportation (a) of the outgoing shipments and (b) the return of the empty cases and bottles. The average weight of a single case full is seventy (70) pounds, and the average weight of the return empty fifty (50) pounds.

In 1908 the complainant was served by The Long Island Railroad Company's express department, and for a long time prior to May 20, 1908, that express company's outbound rate and regulations governing charge for return of the empty package were such as to make the total transportation cost of a case average twenty-five cents. A complaint from Mr. Paulding followed, and an opinion was written on behalf of the Commission, but no formal order was entered in the matter. In 1913 the Adams Express Company took over the operation of the Long Island express, and during the whole period of time the tariff referred to has been in effect, but on September 14, 1915, the Adams Express Company filed a cancellation notice of such tariff effective October 20, 1915.

When the express companies desired to put in effect in this State the same rate basis and rate scales as the Interstate Commerce Commission had established to apply on interstate express traffic, the Commission specifically provided in its consent for the continuance of all existing commodity rates which were lower than those which would apply under the new rates. The complainant's business is such that the minimum shipment charges would not apply. The effect of the new ratings has been to cancel a large number of old commodity rates. Some few of these old rates seem to have been discriminations, pure and simple: rates which for some reason or other had been made for a certain shipper at a certain time and without any apparent good reason, since other shippers of the same commodity in adjoining neighborhoods were paying the full second-class rate. During the last two years the express companies have been going through their tariffs and endeavoring to eliminate obvious discriminations of this sort. This special rate on cider shipped from Huntington seems to be one of the old discriminatory rates now in process of elimination throughout the United States. The reason for the delay which has occurred on the part of the express company in taking up this Huntington cider rate for correction is to be found in the fact that the work of correcting the old schedules has been corrected gradually, State by State, and that New York state, which presents more complicated situations than any of the others, has been the last State to be dealt with in this manner. Every other article of food and drink shipped from Huntington, Long Island, now pays the regular second-class rate. Cider shipped from other Long Island points pays the second-class rates. Necessities of life like milk, fish, fruit, bread, and vegetables, shipped from Huntington, Long Island, now pay a higher rate than the complainant's cider, which is really a luxury, selling for \$6.50 per case of twenty-four (24) half bottles.

When this Huntington cider situation was considered by the Commission in 1908 the question presented was slightly different from the one now before us. At that time the Long Island Express Company sought to apply a round-trip charge of fifty-two and one-half cents on Mr. Paulding's cases from Huntington to New York and back, the return trip being for the empty bottles. It was finally arranged that twenty-five cents should be the charge for outgoing shipments and twelve and one-half cents for the return empty shipment, making a total charge of thirty-seven and one-half cents. When the new classification went into effect in March, 1914, the complainant automatically secured a reduction of the express charges on his return "empties". The effect of this reduction was to bring his charge for the round trip down to thirty-four cents. The effect of including complainant's cider in the second-class rates as now proposed will be to bring his outward charge per case up to thirty cents and his return empty charge to ten and one-half cents, making forty and one-half cents for the round trip, as against thirty-seven and one-half cents which he paid under the former ruling of the Commission, and as against thirty-four cents which he is now paying. The Commission believes upon the facts and circumstances brought out at the hearing that the present special rate on cider shipped from Huntington is discriminatory as

against cider shipped from other Long Island localities, and that there is no good reason why these Huntington cider shipments should enjoy a more favorable express rate than necessities of life like bread and milk, shipped from Huntington. These rates should be brought into line so that everybody will be placed upon the same footing. It is not really a question of the amount involved. If it had happened that Mr. Paulding, instead of paying less was now under his special rate paying more than the present regular second-class rate, it would doubtless be thought proper to reduce his old rate so as to conform with the regular charge. As a matter of fact, the money difference to Mr. Paulding under the proposed change, amounting to only \$3.77 upon his total shipments for six months, is so slight as to practically eliminate the amount involved in this particular case as a question to be seriously considered one way or the other in reaching a determination. The question presented to us seems to be entirely one of principle, and no good reason has been shown for not approving of the elimination of the special rate with which we are here concerned. It is therefore

Ordered: That this complaint against the cancellation by the Adams Express Company of a special rate on cider from Huntington to New York city be and the same hereby is dismissed, and that the order of this Commission suspending the operation of the regular second-class commodity rate in relation to such cider shipments pending an investigation by the Commission be and the same hereby is canceled, and that this case be closed upon the records of the Commission.

[Case No. 5292]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF BUFFALO *against* INTERNATIONAL RAILWAY COMPANY, protesting against having its Main Street cars stopped midway between Rodney avenue and Fairfield avenue.

This case having been brought before the Commission upon the complaint of many of the residents living in the vicinity of Main street and Rodney avenue who are patrons of the International Railway Company, claiming that the present stop of the cars of said company at a point midway between Rodney avenue and Fairfield avenue is inconvenient for the said complainants and other residents of that locality, and asking the Commission for an order requiring the International Railway Company to stop its cars at Rodney avenue for the purpose of taking on and letting off passengers; and the said International Railway Company having filed its answer to said petition alleging that the company is disposed to serve its patrons in the best manner possible, and believes that the stop at said point midway between those streets is reasonable and serves the convenience of the people who wish to take said cars or alight therefrom at both said streets. And a hearing having been held herein by the Commission in the city of Buffalo on the 24th day of December, 1915, at which hearing Messrs. E. M. Hooker, Sherman F. Massan, Arthur J. Balduf, Edward W. Worth and others appeared for themselves and on behalf of the other complainants herein; and Messrs. Norton,

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Penney, Spring and Moore, by Mr. Porter Norton, appeared as counsel for the International Railway Company; and Messrs. H. E. Rexinger, engineer, and Nelson H. Brown, general superintendent of the said International Railway Company, having also duly appeared; and a conference having been had by the Commissioner with said interested parties, which developed the fact that a large number of the patrons of the International Railway Company living on and near Rodney avenue would be best served by having the Main Street cars of the respondent stop at said Rodney avenue instead of at the point complained of, which is about 121 feet north of Rodney avenue; and the said International Railway Company having filed with the Commission its offer herein that its Main Street cars were put upon a new schedule Sunday, January 9th, whereby such cars will not stop at either Fairfield avenue or the place midway between said avenue and Rodney avenue, but will stop at Rodney avenue; and it being desirable to try out the effectiveness of said order and thus ascertain the real necessities of the people in that locality, it is therefore

Ordered: That such plan and revised schedule of the respondent be and the same hereby are approved temporarily, and this case will be closed upon the records of the Commission, on condition however that the same may be reopened and further consideration had of the necessities of the patrons of the respondent from any of the streets in the locality of Rodney avenue and Fairfield avenue in case the matter shall be again brought to the attention of the Commission.

[Case No. 5298]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of CENTRAL NEW ENGLAND RAILWAY COMPANY
under section 54 of the Railroad Law for consent
to the discontinuance of its passenger and freight
station at Dutchess Junction, Dutchess county.

The Central New England Railway Company having filed a petition under section 54 of the Railroad Law asking that it be allowed to discontinue its present passenger and freight business at Dutchess Junction, Dutchess county, New York, and to substitute therefor a joint station with The New York Central Railroad Company at Beacon, N. Y.; and a public hearing upon the said petition having been fixed by the Commission for the 17th day of December, 1915, at 10:30 a. m., at the hearing room of the Commission in the city of New York; and notice of such hearing having been published in several newspapers in the county of Dutchess and posted, in accordance with law and the rules of this Commission; and such hearing having been held at the time and place above mentioned, Charles M. Sheafe, jr., appearing on behalf of the petitioner and presenting proof and arguments in support of said petition; and there being no other appearances at said hearing; and several residents, business men, and corporations, to wit Messrs. Nicholson Brothers, A. E. Aldrich and Company, W. K. Hammond, and the Brockaway Brick Company, having subsequently notified the Commission that they were interested in the question of future freight charges in case the Dutchess Junction station of the Central New England Railway Company should be discontinued, stating that if these freight charges were allowed to remain as at present they would have no objection to the granting of this petition,

while if an increase in freight charges were involved they would object to the proposed change; and the position of these gentlemen having thereupon been brought to the attention of the Central New England authorities by the Commission, with the result that the Commission has under date of January 3, 1916, received from Charles M. Sheafe, jr., counsel to petitioner, a letter containing the following expressions:

I am informed by Vice-president Campbell that a conference has been held between Mr. Kentfield of our company and Mr. Gelatt of the New York Central. The latter has consented to the publication of rates via Beacon. Our tariff department has been directed to furnish these rates to the New York Central and the tariffs will be promptly promulgated. This will require some few weeks for compilation and filing. I understand further from the rate department that such an arrangement will not result in any increase over present rates to and from Dutchess Junction, but that when Dutchess Junction is discontinued, freight to and from that point on our line will be carried at the same charge as at present. I do not believe there is any doubt as to this particular feature, but Mr. Campbell is in New Haven today and I have not been able to reach him. If there should be any change on this question as to a possible increase, I will advise you further. and the Commission being of the opinion that under these circumstances, and also for the reasons presented at the hearing as aforesaid, that the discontinuance of said Dutchess Junction station as prayed for by petitioner should be permitted, no further advices having been received indicating that Mr. Sheafe's assurances as to freight charges will not in due course be fully carried out as stated; it is hereby

Ordered: That the petition of the said Central New England Railway Company under section 54 of the Railroad Law for an order permitting the discontinuance of its freight and passenger station at Dutchess Junction and the substitution therefor of a new joint station with the New York Central railroad at Beacon, N. Y., be and the same hereby is granted, and that this case be closed upon the records of the Commission.

[Case No. 5343]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the AUTOMATIC TRANSPORTATION COMPANY of Buffalo against ERIE RAILROAD COMPANY as to switch and sidetrack connection with said company's railroad at a point on said railroad near the crossing on Main street in said city.

A petition having been presented to the Commission on the 14th day of December, 1915, by Automatic Transportation Company, asking, pursuant to the provisions of section 27 of the Public Service Commissions Law, for switch connections with the Erie Railroad Company at a point on said railroad near Main street in the city of Buffalo and adjacent to the plant of the petitioner. After said petition had been filed with the Commission and before the respondent had made answer thereto, the parties requested a conference with the Commission to the end that the petitioner herein might obtain such switch connections and facilities, and hold for future determination the questions of dispute between the parties. A conference was accordingly held herein in the city of Buffalo on the 24th day of December, 1915, by Commissioner Hodson of this Commission, Mr. Thomas E. Boyd of Buffalo, attorney

for the petitioner, and Messrs. T. H. Burgess of New York and William L. Marcy of Buffalo, attorneys for the Erie Railroad Company; and at such conference it was agreed that said petitioner, Automatic Transportation Company, would now sign the standard sidetrack agreement of the Erie Railroad Company concerning the construction, maintenance and operation of said sidetrack, and that the Erie Railroad Company would immediately proceed with the construction of such sidetrack so that the petitioner may have the facilities thereof as soon as possible; this adjustment was coupled with a further agreement that both parties should abide by the decision of the courts in the case now on appeal to the Supreme Court from the decision of this Commission in the matter of Lancaster Knife and Machine Works against Erie Railroad Company; and the said attorney for the petitioner having in a letter to this Commission dated January 11, 1916, stated that he consented to an order closing this case without prejudice to the petitioner to have said agreement modified in accordance with the decision of the courts in said case, it is therefore

Ordered: That this case be and the same hereby is closed upon the records of this Commission, with the condition however that the same may be reopened at any time in the future upon good cause shown and upon the application of either party to change or re-form said agreement.

[Cases Nos. 800, 3393, 4387]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the OSWEGO COUNTY LIGHT AND POWER COMPANY [now Salmon River POWER COMPANY] under section 69 of the Public Service Commissions Law for authority to execute a mortgage for \$2,500,000, and to issue \$1,100,000 common capital stock. [Case No. 800.]

In the matter of the Application of the SALMON RIVER POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue bonds. [Case No. 3393.]

First
amendatory
order.

In the matter of the Application of the SALMON RIVER POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue bonds under an existing mortgage, and that order of the Commission dated January 29, 1913, be modified. [Case No. 4387.]

On July 29, 1914, the Salmon River Power Company was authorized to issue \$300,000 face value of its 5 per cent 40-year first mortgage bonds at not less than 85 per cent of the face value thereof, in addition to the \$2,235,000 bonds heretofore authorized for that purpose, and to apply the proceeds toward the cash cost of the construction of its hydro-electric development on the Salmon river, in the county of Oswego, New York. It now appears, because of conditions in the mortgage securing said bonds, that only \$110,000 of the \$300,000 so authorized may be legally issued for such purpose, and that said order of July 29, 1914, should be modified in this respect. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein the 29th day of July, 1914, be and the same is hereby amended by substituting in the place and stead of ordering clauses 3 to 6 inclusive of said order the following, to wit:

3. That the Salmon River Power Company be and it hereby is authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$110,000 face value of its 5 per cent 40-year first mortgage bonds under a certain indenture given to the Columbia Knickerbocker Trust Company as trustee, dated the 5th day of October, 1912, to secure an authorized issue of a total face value of \$5,000,000.

4. That said bonds of the total face value of \$110,000 shall be sold for not less than 85 per cent of their face value and accrued interest, to give net proceeds of \$93,500.

5. That said bonds of the face value of \$110,000 so authorized, or the proceeds thereof to the amount of \$93,500, shall be used for the payment and discharge of obligations actually due and owing on account of the cost of construction of the hydro-electric plant of the petitioner herein, which the proceeds of the bonds heretofore authorized in cases Nos. 800 and 3393 shall not have been sufficient to pay, and such proceeds may be further used for account of the construction work described in certain affidavits annexed to the petition herein [case No. 4387] verified by Vernon G. Converse and William Barclay Parsons, and for no other purposes whatsoever; and provided that if there shall be required subject to the limitations herein contained a sum less than the amount so estimated, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of the Commission.

6. That if the said bonds of a total face value of \$110,000 herein contained shall be sold at such price as will enable the company to realize net proceeds of more than \$93,500, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

2. That the \$110,000 of bonds herein authorized to be issued are intended to and shall include and cover the bonds heretofore sold under and pursuant to the authority given by the order of July 29, 1914, which amounted to \$80,000 as of December 31, 1915.

3. That the company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Cases Nos. 800, 3393, 4387]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the OSWEGO COUNTY LIGHT AND POWER COMPANY [now Salmon River Power Company] under section 69 of the Public Service Commissions Law for authority to execute a mortgage for \$2,500,000, and to issue \$1,100,000 common capital stock. [Case No. 800.]

In the matter of the Application of the SALMON RIVER POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue bonds. [Case No. 3393.]

In the matter of the Application of the SALMON RIVER POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue bonds under an existing mortgage, and that order of the Commission dated January 29, 1913, be modified. [Case No. 4387.]

Petition filed June 25, 1914; report of division of capitalization dated July 11, 1914; report of electrical engineer dated July 17, 1914; hearings held July 22 and 23, 1914; order entered July 29, 1914; petition filed February 10, 1915; report of division of capitalization dated March 19, 1915; hearing held June 24, 1915; brief of attorney for applicant filed July 16, 1915; final report of division of capitalization dated October 7, 1915; petition filed October 27, 1915. The Commission has heretofore authorized the Salmon River Power Company and its predecessor company, the Oswego County Light and Power Company, to issue \$750,000 common capital stock and \$3,535,000 first mortgage bonds for the acquisition of the necessary lands and water rights, and for the construction and completion of a hydro-electric plant upon the Salmon river, in the county of Oswego, New York, sufficient for producing 30,000 electrical horsepower and delivering the same at the sub-station of the Niagara, Lockport and Ontario Power Company in the village of Solvay, Onondaga county, New York; \$700,000 of the capital stock, the entire issue of which was authorized for the acquisition of the necessary lands and water rights, has been used for such purposes. According to the petition filed herein the 10th of February, 1915, the obligations incurred under the contracts for the construction and completion of the 30,000 electrical horsepower development were \$3,428,218.24, in partial payment of which there has been applied the proceeds of \$3,315,000 of the first mortgage bonds, interest on cash balances in working funds and other moneys, to the aggregate amount of \$2,856,529.51, and that according to the terms of the first mortgage and of the order of the Commission dated July 29, 1914, \$30,000 additional first mortgage bonds may be sold and the proceeds of \$25,625 realized by sale at 85 per cent applied against such indebtedness. The unprovided for balance of such indebtedness is \$546,063.73 and the aforesaid petition is for authority to issue 3-year 6 per cent gold notes of \$546,000 at face value in liquidating such indebtedness. Because of conditions in the mortgage to secure said bonds \$190,000 in amount thereof, the issue of which has been heretofore authorized for the payment of indebtedness incurred or to be incurred for the construction and completion of the above described hydro-electric development, may not legally be issued, and therefore the authority to issue such bonds should be canceled. An order has been entered simultaneously here-

with reducing the amount of 5 per cent 40-year first mortgage bonds originally authorized herein by order dated July 29, 1914, from \$300,000 to \$110,000. The order herein of the 29th day of July, 1914, expressly deferred for consideration on a subsequent application determination by the Commission of the aggregate amount of securities which would be required and might properly be authorized to liquidate in full the indebtedness incurred under the contracts for the construction and completion of the aforesaid hydro-electric development, and also deferred determination of the proper accounting of such indebtedness. Accordingly, the accounts and property of the applicant have been examined by the division of capitalization and the electrical engineer of the Commission in the consideration of the supplemental application herein filed the 10th of February, 1915, and the adjustments in the accounts of the applicant which are ordered herein represent the determination of the Commission in the matter of the accounting for such indebtedness which it had previously deferred. Likewise, the securities authorized herein are for the payment of the balance of the indebtedness. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the final report of the division of capitalization of the Commission dated March 19, 1915, is hereby served upon the Salmon River Power Company, and the proposed journal entries set forth on pages 14 to 18 inclusive of that report shall be entered upon the books of the Salmon River Power Company, and within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the Salmon River Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$546,000 face value of 5 per cent three-year gold notes dated February 1, 1915.

3. That the said notes of the total face value of \$546,000 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$546,000.

4. That the said notes of the face value of \$546,000 so authorized, or the proceeds thereof to the amount of \$546,000, shall be used solely and exclusively for the discharge of obligations to the Erie Construction Company incurred under the contracts for the construction of the petitioner's hydro-electric plant on the Salmon river, in the county of Oswego, New York.

5. That if the said notes of a total face value of \$546,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$546,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Salmon River Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Salmon River Power Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or the proceeds thereof expended the report shall set forth such fact.

8. That the Salmon River Power Company shall within thirty days from the date of this order credit the subaccounts of its fixed capital in the amounts set forth in the column headed "Percentages added" on page 20 of the report of the division of capitalization dated March 19, 1915, which column totals \$412,571.94; and also credit the account "Suspense, advances for sundry purposes" in the amount of \$825, and charge the total of these items, viz. \$413,396.94, to an account to be called "Suspense to be amortized," which suspense account shall be amortized by debiting the account "Other contractual deductions from income" and concurrently crediting the account "Suspense to be amortized," according to the following programme: \$23,896.94 in the calendar year 1916, and thereafter at the rate of \$20,500 each calendar year until the account shall have been completely amortized; provided that the petitioner may amortize the said sum more rapidly than herein provided if it so desires, by crediting the account "Suspense to be amortized" and debiting the account "Corporate surplus" with the excess so credited over the amount required as above specified.

9. It is nevertheless expressly provided that in all respects other than as directed in ordering clauses Nos. 1 and 8 hereof, this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until the journal entries required by ordering clauses Nos. 1 and 8 of this order to be made upon the books of the Salmon River Power Company within thirty days from the date of this order shall have been made, reported to, and approved as sufficient by this Commission.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto, and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation, duly authorized by its board of directors, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income, except \$413,396.94 which is properly chargeable to income.

[Case No. 2871]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the TRI-COUNTY
LIGHT AND POWER COMPANY under sections 68 and
69 of the Public Service Commissions Law for per-
mission to exercise its franchises and issue stock and
bonds.

Third
supplemental
and
amendatory
order.

Petition filed April 15, 1912; hearing held April 24, 1912; order of June 18, 1912, authorizing the construction of plant; order of June 18, 1912, authorizing the issuance of securities: order of June 26, 1912, approving of franchises; statement of fixed capital expenditures dated July 31, 1915; first

supplemental petition filed September 28, 1915; second supplemental petition filed October 13, 1915; report upon value of property and business of the petitioner filed October 13, 1915; reports of electrical engineer dated October 22 and December 16, 1915; final report of division of capitalization dated December 22, 1915. By order entered the 18th day of June, 1912, the Tri-County Light and Power Company was authorized to issue \$5000 par value of its common capital stock to J. P. Grant in partial payment for certain lands and water rights at Gilboa, Schoharie county; provided however that on subsequent application after the development for the generation of electric energy as proposed at that point was completed that the Tri-County Light and Power Company might petition the Commission for authority to issue an additional amount of common capital stock to be turned over to J. P. Grant in further payment of all such lands and water rights at Gilboa; provided nevertheless that in the event that the Commission declined to authorize the Tri-County Light and Power Company to issue any more capital stock in payment for such lands and water rights, that J. P. Grant would accept the amount (\$5000) originally authorized by the Commission to be issued as full and complete payment for such lands and water rights. This order of the Commission approved of the value of the entire property, including water power, dam, generating plant, and accessories, if completed as proposed in the petition, to be the amount of \$55,000. The estimated cost of all such improvements other than the lands and water rights was \$38,107, leaving the amount of \$16,893 as the greatest value which the Commission assigned to the lands and water rights. The construction of the plant has been completed and the actual cost thereof is known. The company has made supplemental application under date of October 13, 1915, to issue additional capital stock in payment of the lands and water rights. It is advisable therefore to amend the order entered the 18th day of June, 1912, by authorizing the Tri-County Light and Power Company to issue its common capital stock of the par value of \$11,900 to J. P. Grant in further and complete payment of the lands and water rights hereinbefore referred to, which payment will complete the authorization of June 18, 1912, to make the total cost to the company of the lands and water rights equal the value placed thereon by the Commission. It further appears that of the \$60,900 first mortgage bonds authorized to be issued by the order of June 18, 1912, the Tri-County Light and Power Company has issued to date \$40,000 at 95 per cent of par, realizing \$38,000. That such bonds have realized proceeds sufficiently large to pay for all costs of construction as contemplated in the order of June 18, 1912. It is therefore advisable to cancel the authorization to issue \$20,900 of such bonds authorized to be issued by that order. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 22, 1915, and on December 23, 1915, served tentatively on the corporation, such entries being listed in schedule III, pages 8 and 9 inclusive thereof, shall be entered upon the books of the Tri-County Light and Power Company, and that within thirty days of the service of this order verified detailed proof shall be submitted to the Commission that such entries have been made.

2. That ordering clauses 1, 3, and 6 of the order entered herein the 18th day of June, 1912, are hereby modified and amended by the substitution therefor of the following:

Ordered: 1. That the Tri-County Light and Power Company is hereby authorized to issue its common capital stock to the amount of \$5000 par value, and its 30-year 3 per cent first mortgage gold bonds bearing interest at the rate of 5 per cent per annum, payable annually, to the extent of \$40,000.

Ordered: 3. That the said bonds may be sold at not less than 95 per cent of their face or par value, and that the proceeds of such sale to the amount of \$38,000 shall be used for the following purposes and no others: (a) For the construction of a dam, rack, pipe line, power house building, water wheels and governors, electrical apparatus, miscellaneous expenses, engineering connected therewith, and interest during construction of generating plant to be erected in the town of Gilboa, Schoharie county, New York, \$26,173.69; (b) for the construction of transmission and distribution lines to Stamford, Grand Gorge, and Gilboa, \$7938.34; (c) for the payment of indebtedness owing to J. P. Grant

incurred for (1) fixed capital expenditures \$2851.52, (2) working capital \$1036.45: \$3887.97: \$38,000; provided that such working capital shall not be disbursed by the Tri-County Light and Power Company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

Ordered: 6. That if the said securities of a total par value of \$45,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$43,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

3. That the Tri-County Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$11,900 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

4. That said stock of the par value of \$11,900 so authorized, or the proceeds thereof to the amount of \$11,900, shall be used solely and exclusively for the further and complete payment to John P. Grant, his heirs and assigns, of certain land, water rights, and grist mill situated in the town of Gilboa, Schoharie county, New York, of a total cost to the Tri-County Light and Power Company of \$16,900, less the amount of stock authorized for this purpose by order entered herein on the 18th day of June, 1912, \$5000: \$11,900.

5. That if the said stock of a total par value of \$11,900 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$11,900, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That the Tri-County Light and Power Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

7. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within ten days of the service hereof the said company shall file with the Commission a satisfactory stipulation duly authorized by its board of directors and verified, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

8. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of said securities herein authorized was and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3427]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MARVIN SHIEBLER
against SUFFOLK GAS AND ELECTRIC LIGHT COMPANY,
requesting revocation of the Commission's order
authorizing \$134,000 mortgage bonds.

For the reasons stated in the concurrent opinion in this matter,

Ordered: That the application herein is hereby denied and the complaint
dismissed.

[Case No. 4795]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the INTERNATIONAL
RAILWAY COMPANY for authority pursuant to the
provisions of section 55 of the Public Service Commis-
sions Law to issue its refunding and improvement
mortgage gold bonds.

Second
amendatory
order.

Petition filed February 23, 1915; reports of transportation engineer dated
February 25 and March 2, 1915; report of division of capitalization dated
March 2, 1915; orders entered March 3 and 15, 1915; supplemental petition
filed January 5, 1916. The International Railway Company, by order herein
dated March 3, 1915, was authorized to issue and sell for not less than 88 per
cent of par and accrued interest, \$585,000 face value of its 5 per cent 50-year
refunding and improvement mortgage gold bonds, and to use the proceeds for
new construction performed and to be performed during the calendar year
1915, as detailed in schedule A attached to the petition which was filed
February 23, 1915. By supplemental petition filed January 5, 1916, it appears
that the petitioner has made expenditures to the amount of \$328,860.99 during
the calendar year 1915 for additions and betterments to its fixed capital, which
in some instances were less and others were more than the amounts set forth
for such purposes in the aforesaid order, and asks for a re-distribution of such
proceeds to conform to the actual expenditures as detailed in schedule A
attached to the supplemental petition filed herein on January 5, 1916. The
petition also asks for authority to apply the remaining unexpended balance of
proceeds, amounting to \$171,139.01, realized from sale of the bonds heretofore
authorized in this proceeding for construction purposes during 1915, on con-
templated capital expenditures for the year 1916. Immediately prior to the
filing of this supplemental petition the accounts, affairs, and property of the
petitioner were examined by representatives of the Commission's divisions of

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capitalization and transportation, and the reports of these examinations disclose that the accounts are in harmony with the requirements of the accounting order of the Commission. These examinations were concluded as of November 30, 1915, and show that to that date a very considerable amount of the expenditures which are the subject of the supplemental petition in this case were actually made up to that time. Now therefore, upon the foregoing record,

Ordered: That subdivision (2) of ordering clause No. 3 of the order entered herein the 3rd day of March, 1915, is hereby modified and amended by the substitution therefor of the following:

(2) For expenditures made and to be made during the year 1915, for new construction as detailed in schedule A attached to the supplemental petition herein dated January 4, 1916, as follows:		
Land	\$1,004.25	
Roadway and electric line.....	325,814.36	
Buildings and structures.....	5,382.31	
Power plant equipment.....	24,044.29	
Rolling stock and miscellaneous equipment.....	26,565.22	
	<hr/>	
	\$382,810.43	
Less retirements	53,949.44	
	<hr/>	\$328,860.99
(3) Unexpended balance of proceeds of \$500,000 face value of 5 per cent 50-year refunding and improvement mortgage bonds heretofore authorized in this proceeding by order dated March 3, 1915, amounting to		
		171,139.01
		<hr/>
shall not be expended by the company until definite authorization so to do shall have been received from this Commission....		\$500,000.00

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5219]

STATE OF NEW YORK, PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Operation of a Bus Line or Motor Vehicle Line or Route in the City of Olean by Harry Ryder.

Order to
show cause.

The Western New York and Pennsylvania Traction Company informed the Commission that the respondent was operating automobile busses and vehicles in the city of Olean contrary to the provisions of chapter 667 of the laws of 1915. An order to show cause was made, to which an answer was filed and a hearing held in the city of Olean. On the hearing it appeared without contradiction that the respondent owns several automobiles which he operates for hire in and about the city of Olean. He has what is called a "stand" in front of a hotel, and he maintains at that point a telephone. He responds to calls by telephone and otherwise, and carries passengers from point to point within the city where and when they so desire. It is also his practice to have an automobile at the Erie Railroad station, something more than a mile from the center of the city, upon the arrival of the important trains. This car picks up passengers and carries them to any point to which they desire to proceed. His minimum fare is twenty-five cents. In other words, he is performing a regular taxicab business with a minimum twenty-five cent charge. The only

semblance of regular operation or regular route arises from the fact that many passengers desire to go between the Erie Railroad station and the hotel. This leads to a somewhat regular operation between these points and along a street occupied by the Western New York and Pennsylvania Traction Company. The act of 1915 is certainly broad in its provisions but it does not cover this method of operation. The respondent is not operating a bus line, a stage route, a motor vehicle line or route, or any vehicle in connection therewith. He is not operating any vehicle carrying passengers at a rate of fare of fifteen cents or less for each passenger. If then he is violating the law, it must be because he is operating vehicles carrying passengers in competition with another common carrier which is required by law to obtain the consent of the local authorities of the city. To construe this operation as falling within the last designation would bring within the operation of the law in every city in which street railways operate every liveryman, every operator of taxicabs and even private vehicles, because under this construction the rate of fare or the existence of a fare would be unimportant, the only test being competition. The Legislature could not have so intended. It is therefore

Ordered: That the case be and the same hereby is dismissed.

[Case No. 5220]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Operation of a Bus Line or Motor Vehicle Line or Route in the City of Olean by George C. Derby.

Order to
show cause.

The facts in this case are in all essentials the same as those in case No. 5219, decided herewith. Upon those facts and for the same reasons it is

Ordered: That the case be and the same hereby is dismissed.

[Case No. 5027]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of UNION TELEPHONE COMPANY, INC., of Sidney, under section 101 of the Public Service Commissions Law for authority to execute a first mortgage for \$25,000 on its property and franchises, and to issue now \$13,000 in 5 per cent 50-year bonds to be secured by said mortgage.

Petitions filed June 10, 1915, and January 4, 1916; report of telephone engineer dated August 31, 1915; report of division of capitalization dated December 16, 1915; amended form of mortgage dated July 1, 1915, filed January 4, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the final report of the division of capitalization of the Commission dated December 16, 1915, is hereby served upon the Union Telephone Company, Inc., and the proposed journal entries shown in schedule III, pages 6 to 8 inclusive of that report, shall be entered upon the books of the Union Telephone Company, Inc.; and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That pursuant to the provisions of section 101 of the Public Service Commissions Law, the issue and sale by the Union Telephone Company, Inc., of 100 shares of its common capital stock, each of the par value of \$100, the proceeds of which were used to purchase the entire outstanding capital stock of a total par value of \$10,000 of the Union Telephone Company, is hereby authorized *nunc pro tunc*.

3. That the Union Telephone Company, Inc., is hereby authorized, pursuant to the provisions of section 101 of the Public Service Commissions Law, to execute and deliver to the Citizens Trust Company of Utica, New York, as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of July, 1915, to secure an issue of first mortgage 50-year gold bonds, bearing interest at the rate of 5 per cent per annum, payable semiannually on the 1st day of January and July in each year, to the aggregate amount of \$100,000 par value, a copy of which mortgage has been filed January 4, 1916, with the Commission, and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by the Commission.

5. That the Union Telephone Company, Inc., is hereby authorized, pursuant to the provisions of section 101 of the Public Service Commissions Law, to issue \$13,000 par value of its 50-year 5 per cent first mortgage gold bonds under the aforesaid mortgage.

6. That none of the said bonds of the total par value of \$13,000 shall be sold for less than their par value and accrued interest, to give net proceeds of \$13,000.

7. That said bonds of the par value of \$13,000 so authorized, or the proceeds thereof to the amount of \$13,000, shall be used solely and exclusively for the following purpose: To take up and retire the following bonds outstanding as of March 31, 1915, as shown on the balance sheet, page 4, of the final report in this proceeding of the division of capitalization of the Commission dated December 16, 1915, first mortgage bonds \$6000, second mortgage bonds \$7000: \$13,000.

8. That if the said bonds of a total par value of \$13,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$13,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

9. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Union Telephone Company, Inc., unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

10. That the Union Telephone Company, Inc., shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of

such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period and stating to what account such expenditure has been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within ten days of the service hereof the said company shall file with the Commission a satisfactory stipulation duly authorized by its board of directors and verified, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

12. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money procured by the issuance of such stock and to be procured by the issue of said bonds herein authorized was and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF
NORTHPORT, SMITHTOWN, HUNTINGTON, KINGS PARK,
AND OTHER STATIONS *against* THE LONG ISLAND
RAILROAD COMPANY as to passenger train service.

Complaint having been made by certain residents of Northport, Smithtown, Huntington, Kings Park, and other stations against The Long Island Railroad Company, alleging unsatisfactory train service on the Wading River branch of the said railroad, and asking particularly that train No. 652, discontinued on October 16, 1915, be restored, and also that the scheduled times of other trains be modified so as more nearly to conform with the requirements of the patrons of the road; and the respondent having made answer to the said complaint; and the matter having come on for a hearing before this Commission on the 3rd day of December, 1915; and subsequently, other groups of complainants having in the meantime appeared herein, and having raised other questions than those mentioned in the original complaint; and testimony and arguments having been presented at said hearings on behalf of both complainants and respondent; and a substantial agreement having been reached between the Commission, all groups of complainants, and respondent, as to all matters at issue excepting a suggested change in the running time of train No. 605, which is the earliest morning train from points to the

eastward to New York city; and the agreement thus reached being in the opinion of the Commission a proper one to embody in this order as a fair and equitable disposition of all matters in controversy excepting as to said train No. 605; and in respect to said train No. 605, the Commission being of the opinion that the only way this train could be accelerated so as to bring it to New York at an earlier hour than that at which it is now scheduled to arrive would be by ordering the elimination of its present stops at Hicksville, Westbury, and Mineola, which said elimination of stops would seriously inconvenience passengers living on the Wading River branch who have business at Hicksville, Westbury, and Mineola, and who desire to disembark there at an early morning hour; and the Commission being of the opinion that such delays as now occur in the arrival of train No. 605 on schedule time are mainly caused by grade crossing elimination work and other improvements in process of completion at several points along respondent's right of way, and that upon the completion of these improvements it will be possible to bring train No. 605 into New York city upon schedule time, and that this will satisfy the requirements of nearly all users of the said train; and that under all the circumstances it would not in the meantime be desirable to issue an order changing the present schedule of this train; it is hereby

Ordered: 1. That on approximately May 1, and not later than May 7, 1916, respondent shall restore train No. 650, leaving the Pennsylvania Station at about 4:45 p. m., this service to remain in effect until at least December 1, 1916; and shall also restore the corresponding service westward in the morning.

2. That commencing approximately on May 1, and not later than May 7, and continuing until at least December 1, 1916, respondent shall restore train No. 652, leaving the Pennsylvania Station at about 5:15 p. m., and shall operate said train daily as far as Port Jefferson to the eastward; also that the operation of said train No. 652 shall extend from Port Jefferson to Wading River during the summer season, this last mentioned extension becoming effective upon some date during the latter part of June and continuing until approximately the 1st day of October, 1916.

3. That although no formal order is now made in respect to train No. 605, respondent shall give further thought and attention to the problem of bringing this train into New York at a slightly earlier hour each morning than is now the case, without at the same time inconveniencing passengers who desire to use said train in connection with its present Mineola, Westbury, and Hicksville stops, thus meeting the objections to train No. 605 as now operated.

4. That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5368]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the DARIEN TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue \$6000 common capital stock.

Petition filed January 5, 1916; report of telephone engineer dated January 11, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Darien Telephone Company is hereby authorized, pursuant to the provisions of section 101 of the Public Service Commissions Law, to issue \$6000 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

2. That said stock of the par value of \$6000 so authorized, or the proceeds thereof to the amount of \$6000, shall be used solely and exclusively for the following purposes:

(a) For the payment of indebtedness outstanding December 31, 1915, incurred for the following purposes:		
1. For new construction for which proceeds of bonds authorized by order dated December 30, 1914 (case No. 4442), were insufficient to the amount of....	\$948.02	
2. For the purchase of a lot in Corfu, New York, upon which an exchange building has been erected	800.00	
		\$1,748.02
(b) For proposed new construction as follows:		
1. Building 300 feet of subway to the exchange at Corfu, including a cable, etc.....	\$511.85	
2. Purchase of new desk sets, wall sets, etc., from Western Electric Co., to be used in connection with telephone extensions	605.70	
3. Purchase of miscellaneous pole lines from N. Y. Telephone Co. as set forth in schedule B attached to the petition	500.00	
4. Building pole line extensions as set forth in schedule A attached to the petition.....	2,695.00	
		4,312.55
		\$6,055.57

Amount unprovided for \$35.57

in so far as the same may be applicable; provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Telephone Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of the Commission.

3. That the Darien Telephone Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

4. That the Darien Telephone Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Telephone Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for

each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

5. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4587]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 23th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of a COMMITTEE REPRESENTING THE COLONIE IMPROVEMENT ASSOCIATION against SCHENECTADY RAILWAY COMPANY as to passenger fares between Albany and Schenectady and intermediate points.

Pursuant to the provisions of paragraph 3 of an order made herein on January 5, 1915, the respondent has made a trial of the method suggested for signaling cars at various stops along its Albany division, under the supervision of the electric railroad inspector of the Commission. As a result of said trial certain modifications have been suggested, so that a more practical signal has now been developed and the same is now in use on said division. The operatives on said cars claim that by reason of the amount of light at the different stations along the road the system now in use is objectionable, because they are confused when both the signal lights and the lights at the stations are in operation, and claim that the track being tangent there is plenty of light at the different stops to enable them to see persons intending to board the cars and that the additional signal lights are unnecessary. Pursuant to the provisions of paragraph 2 of said order, the respondent has improved the lighting at the different stops and stations. Such lights are now controlled by a switch accessible to persons desiring to board the cars, which switch can be used for the purpose of signaling cars to stop by turning the lights off and on. Under all the circumstances, therefore, the Commission is the opinion that the respondent may be considered as having complied with the provisions of paragraph 3 of said order, and that the provisions of paragraph 2 of said order which relate to signal lights may be vacated. It is therefore

Ordered: 1. That the equipment by the respondent of a portion of its line with a signal system under the supervision of the electric railroad inspector of the Commission, and in accordance with the provisions of paragraph 3 of the order made on January 5, 1915, shall be considered as full compliance with that provision of said order.

2. That the provisions of paragraph 2 of the aforesaid order relative to signal lights be and the same hereby is vacated and set aside.

[Case No. 4809]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF LACKAWANNA AND THE TOWNS OF HAMBURG AND EAST HAMBURG, Erie county, *against* LEHIGH VALLEY RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, and THE NEW YORK CENTRAL RAILROAD COMPANY (The Terminal Railway of Buffalo) as to floods.

This complaint was presented by certain citizens of the city of Lackawanna and vicinity having occasion to use what is known as the Abbott road against the Lehigh Valley Railroad Company, The Pennsylvania Railroad Company, and The New York Central Railroad Company. It alleged that the Abbott road suffered from floods caused by the depression of the highway in order to pass under the railroads. The petition sought relief from these conditions. The Abbott road runs in a northerly and southerly direction. A single track of the Pennsylvania railroad and a single track of the Lehigh Valley railroad run side by side in an easterly and westerly direction, and are used concurrently as a double track railroad by the two companies. These tracks are carried on a fill and over the Abbott road. South of these tracks a single track railroad was built by the Terminal Railway of Buffalo, now merged into The New York Central Railroad Company. This is also carried on a fill easterly and westerly, and also crosses the Abbott road overhead. The Abbott road was depressed in order to provide these underpasses. Approximately one-half a mile west of the Abbott road the Buffalo, Rochester and Pittsburgh railroad is carried over all three of the tracks hereinabove mentioned on a higher fill. The construction over the Abbott road was by virtue of proceedings before the former Railroad Commission. The Buffalo Southern railway, an electric road, has its track along the Abbott road. It was found that the Abbott road and adjoining lands were from time to time overflowed, and in 1908 the matter was brought to this Commission by a complaint. As a result, all the railroads concerned, and the Town of West Seneca, which was then the municipality in which the region lay, recognized their joint responsibility and entered into a contract by which certain provisions were made whereby it was hoped to relieve the conditions complained of, the parties agreeing to share the expense in equal parts. Under this agreement an existing ditch from the Abbott road across land of one John B. Weber was enlarged to carry water from an existing pipe under the Abbott road, and from adjoining lands to an existing pipe under the Buffalo, Rochester and Pittsburgh embankment and thence westerly into a creek known as Smokes creek. Certain other provisions were also made. The Terminal Railway of Buffalo was to maintain the ditch for a term of six years. This period expired in 1914, but it would seem that the ditch had not been properly maintained for a considerable period prior to that time. At any rate the floods continued or recurred and the present complaint was filed. The matter came on for hearing, and it was objected by the original respondents that all the parties to the agreement of 1908 should be parties to this proceeding. Accordingly the Buffalo, Rochester and Pittsburgh Railway Company, the receiver of the Buffalo Southern Railway Company, and the City of Lackawanna, which had in the meantime been extended to embrace the land involved, were made respondents. Conferences have been held by the engineers and attorneys of the different parties, and another hearing held. The only absolutely certain

measure of relief is to raise the tracks of the Pennsylvania railroad, the Lehigh Valley railroad, and the New York Central railroad, thus permitting the elevation of the Abbott road. This would require a very extended elevation of the Buffalo, Rochester and Pittsburgh railway which is already on a high embankment. It would necessarily be by virtue of a proceeding under section 91 of the Railroad Law, and the expense to the City of Lackawanna and to the State, if not to the railroads, would under present conditions be prohibitive. It seems, however, that the evil may be minimized and perhaps entirely removed by improving and properly maintaining the present ditch, constructing another connecting ditch and building a new culvert under the Buffalo, Rochester and Pittsburgh tracks. Provision must also be made for future maintenance. The Buffalo Southern, now in the hands of a receiver, is in one sense most directly interested, because the floods on the Abbott road at times prevent the operation of its cars. A provision can best be made for maintenance by putting the direct responsibility therefor upon the receiver or his successors in title to the Buffalo Southern property, as agent for the other parties concerned. The Town of West Seneca and the five railroads recognized their joint responsibility in the former contract. It is impossible to determine the degree to which each of the various structures contribute to the floods. The floods are, however, due to the combined effect of all the structures. As apportionment is impossible, an equal division of the expense seems to be proper. It is therefore

Ordered: 1. That the main drainage ditch extending through the Weber lands be cleaned out and excavated to a true section, the bottom thereof to be on a continuous and even grade throughout, and that said ditch be maintained in proper condition by systematic cleaning to prevent growth of weeds or other obstructions that would interfere with uninterrupted flow of water.

2. That a drainage ditch be constructed from the catch-basin under the Lehigh Valley Railroad Company's bridge to connect with the main drainage ditch through the Weber lands, the object of this ditch being to permit flow of water from the subways in case of stoppage of catch-basin inlets or pipe leading therefrom.

3. That the creek bed on the downstream side of the Buffalo, Rochester and Pittsburgh railway tracks be excavated so as to permit free and uninterrupted flow of water discharged into it.

4. That the existing culvert under the Buffalo, Rochester and Pittsburgh railway to which drainage from the Abbott road and surrounding lands is tributary be enlarged, either by the addition of another pipe of diameter equal to the pipe now in position or by the removal of the present pipe and the construction of a new box culvert with an area of opening of not less than thirty-six (36) square feet.

5. That systematic inspection of the entire drainage works be made at least once every month between the months of May and November, and at least once every two months or as much oftener as may appear necessary between November and May of the following year, and any work shown to be necessary by such inspection to be performed immediately thereafter.

6. That the receiver of the Buffalo Southern Railway Company, his successor or successors in office, or the successor in title to the property of said railway company, shall act as agent for all the respondent railroads and for the City of Lackawanna in carrying out the work under this order, except that the new or additional culvert under the Buffalo, Rochester and Pittsburgh railway embankment may be constructed directly by the Buffalo, Rochester and Pittsburgh Railway Company if it so elects. The cost of all the construction and improvements to be borne in equal parts by the Lehigh Valley Railroad Company, The Pennsylvania Railroad Company, The New York Central Railroad Company, the Buffalo, Rochester and Pittsburgh Railway Company, the Buffalo Southern Railway Company, and the City of Lackawanna.

7. The inspection and work of maintenance after the work shall be completed shall also be performed by the said receiver or his successors as

aforesaid, as agent for the other respondents, and the cost of such inspection and maintenance shall likewise be borne in equal parts by the said railroad companies and the city.

8. That the work herein authorized to place the said drainage system in proper and workable condition be started immediately upon the service of this order upon the respondents, or as soon thereafter as weather conditions may permit, and completed not later than July 1, 1916.

9. That the respondents and each of them notify the Commission on or before February 15, 1916, as to their acceptance of this order.

[Case No. 5002]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RALPH A. HARTER
of Moravia *against* LEHIGH VALLEY RAILROAD COM-
PANY, asking for additional passenger car service
between Cortland and Auburn.

Upon the facts found and for the reasons stated in the accompanying
opinion it is

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 5194]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of PAUL SMITH'S HOTEL
COMPANY *against* MOUNTAIN HOME TELEPHONE COM-
PANY as to rates to be charged for telephone service
between the hotel company's telephone lines and those
of the Mountain Home company.

The Paul Smith's Hotel Company is a corporation conducting a hotel, store, mills, and a farm, and renting and selling cottages, camp sites, and other lands in and about the towns of Brighton and Harrietstown, in Franklin county. About twenty-five years ago it established a telephone exchange with its switchboard at Paul Smith's hotel. At the present time this system embraces telephones in the hotel and other buildings occupied by the company, telephones in cottages owned by others, a line connected with the estate of William Rockefeller ten miles distant, a line to the estate of Mr. Skinner thirteen miles distant, and a line to Bloomingdale village eleven miles distant. There is also a line to Saranac Lake, connecting there with the switchboard of the Mountain Home Telephone Company. In all there are about one hundred telephones on the Paul Smith line. In 1905 a contract was entered into with

the Hudson River Telephone Company, the predecessor of the Mountain Home company, for an interchange of business. The contract provided for rates on toll messages which, except within a limited district, were to be twenty-five cents higher than the toll rate to Saranac Lake. This twenty-five cents was the portion of the joint rate to be received by the complainant. The contract by its terms was to endure five years, with an option of renewal for another five. It was renewed, and the extended term came to an end August 4, 1915. The Mountain Home Telephone Company refuses to make a new agreement on the same terms, but insists, as a condition of further interchange of business, upon a contract which the complainant contends is harsh and arbitrary in several particulars, but especially that it fixes joint rates and the complainant's proportion thereof so low as to be ruinous to complainant's business. The complainant asks that the respondent be required to continue its service on the old terms. It is unnecessary in the view taken of the case to state the proposed terms or consider the merits of complainant's contention. A hearing was held at which the respondent sought a dismissal of the complaint on the ground that the Commission was without jurisdiction. The complainant's witnesses being present, the evidence on the part of complainant was heard, and an adjournment taken reserving the question of jurisdiction. On the hearing it appeared by the testimony of the president of the complainant that the complainant has property actually used in its telephone business of a value exceeding \$21,000; that it conducts a telephone business for hire, charging \$2 a month as rental to the general subscribers, and having special arrangements with Mr. Rockefeller and Colonel Skinner. It is therefore a telephone corporation subject to the jurisdiction of this Commission under the definition contained in section 2 (17) of the Public Service Commissions Law. It has not in fact submitted itself to the jurisdiction of the Commission, has made no reports, and has filed no schedules of tariffs; but being a telephone corporation subject to the jurisdiction of the Commission it can claim no rights by virtue of its not having done those acts required by law of telephone corporations. It is not a subscriber to the Mountain Home Telephone Company, but an independent company seeking to maintain physical connection and joint rates with that company. If the Commission has any authority in the premises it must be by virtue of section 97 (3) of the Public Service Commissions Law, or of section 103 of the Transportation Corporations Law. The other subdivisions of section 97 apply in the conjunctive and disjunctive to telegraph corporations and telephone corporations. Subdivision 3 provides that the Commission shall have power by order to require any two or more telegraph corporations using lines forming a continuous line of communication, or which could be made so to do by the construction and maintenance of suitable connections or transfer of messages at common points, between different localities which are not reached by the line of either company alone, to establish through lines within the State between two or more such localities and joint rates or charges for service by or over said lines. It will be observed that this provision relates only to telegraph corporations, while all other provisions of the section relate also to telephone corporations. The omission of telephone corporations could not be accidental, and as a matter of history it was not accidental. Section 103 of the Transportation Corporations Law is now as follows:

Section 103. *Transmission of Dispatches.*—Every such corporation shall receive dispatches from and for other telegraph or telephone lines or corporations, and from and for any individual, and on payment of the usual charges by individuals for transmitting dispatches as established by the rules and regulations of such corporation, transmit the same with impartiality and good faith and in the order in which they are received, and if it neglects or refuses so to do, it shall pay one hundred dollars for every such refusal or neglect to the person or persons sending or desiring to send any such dispatch and entitled to have the same so transmitted, but arrangements may be made with the proprietors or publishers of newspapers for the transmission for publication of intelligence of general and public interest out of its regular order.

It was enacted many years before the Public Service Commissions Law, and applied originally only to telegraph lines. It has been repeatedly construed as a penalty statute solely, and can not be construed to confer upon the Commission authority to compel the acts the failure to perform which are

thereby penalized. Moreover, it only requires the transmission of dispatches and does not require physical connection or joint rates. The conclusion is inevitable that however meritorious the complainant's demand may be the Commission is without authority of law to enforce compliance. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 5346]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Recommendations of the Commission to the WESTERN SULLIVAN TELEPHONE AND TELEGRAPH COMPANY.

The Western Sullivan Telephone and Telegraph Company appeared before the Commission at Albany December 28, 1915, by Ellsworth Baker, its president, pursuant to an order to show cause issued by the Commission December 7, 1915. At the hearing, and subsequently by letters, respondent has satisfied the Commission that its recommendations have been adopted and carried out. It is therefore

Ordered: That the case be closed upon the records of the Commission.

[Case No. 5398]

At a stated meeting of the Public Service Commission for the First District, held at its office No. 154 Nassau street, in the borough of Manhattan, city and State of New York, on the 20th day of January, 1916.

Present:

J. SERGEANT CRAM, Acting Chairman,
GEORGE V. S. WILLIAMS,
HENRY W. HODGE,
WILLIAM HAYWARD,
Commissioners.

At a stated meeting of the Public Service Commission for the Second District, held at its office at the Capitol in the city of Albany, in the State of New York, on the 25th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the hearing on motion of the Commission as to the regulations, practices, and service of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY with respect to lighting facilities on its multiple unit cars running between New York and Larchmont.

Case No. 2051.
Joint order.

A joint hearing having been had in this proceeding on January 17, 1916, before Honorable J. Sergeant Cram, Acting Chairman, Honorable George V. S.

Williams, Honorable William Hayward, and Honorable Henry W. Hodge, Commissioners for the First District; and Honorable William T. Emmet, Commissioner for the Second District; M. G. Gonterman appearing as counsel for The New York, New Haven and Hartford Railroad Company; C. K. Blatchly appearing as counsel for certain property owners in Larchmont; C. M. Baxter appearing as counsel for the Town of Mamaroneck; and Edwin W. Fisk, Mayor of the City of Mount Vernon; and Vincent Victory, Assistant Corporation Counsel, for the City of New York, appearing; and Henry H. Whitman, Assistant Counsel to the Public Service Commission for the First District, attending; it is

Ordered: That of the sixty-five multiple unit cars operated by The New York, New Haven and Hartford Railroad Company between Larchmont and the city of New York, fifty thereof shall be re-wired and put in operation by said company on or before May 1, 1916, and that the remaining fifteen thereof shall be re-wired and put in operation by said company on or before June 1, 1916; and that said cars shall be so re-wired that when operating over tracks on which the current for motive power is taken from the third rail the current for the proper lighting of said cars shall also be taken from the said third rail instead of from storage batteries; and it is further

Ordered: That this order shall take effect when concurred in by not less than three members of each Commission, and that within five days after service thereof said The New York, New Haven and Hartford Railroad Company notify the Commissions whether the terms of this order are accepted and will be obeyed.

[SEAL]
[L. S.]

BY THE PUBLIC SERVICE COMMISSION FOR THE FIRST DISTRICT

(signed) TRAVIS H. WHITNEY, *Secretary.*

[SEAL]
[L. S.]

BY THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT

(signed) FRANCIS X. DISNEY, *Secretary.*

[Case No. 4893]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of WEST VIRGINIA PULP AND PAPER COMPANY *against* BOSTON AND MAINE RAILROAD as to charge for switching cars.

The respondent having filed a petition for a rehearing herein it is

Ordered: That the operation of the order made January 18, 1916, be and the same is suspended until the determination of said petition.

[Case No. 33/2]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of January, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under section 54 of the Railroad Law for consent to the discontinuance of Cuylerville (Livingston county) as a freight station.

This is an application under section 54 of the Railroad Law for the consent of the Commission to the discontinuance of Cuylerville as a freight station. Cuylerville has for a long time been a flag station for the purpose of receiving and discharging passengers, but it is not sought to abandon it as a passenger station. It has never been a freight station for handling less than carload freight, but it has been shown on the tariffs filed with the Commission and published as a freight station for carload freight. During the Summer and Autumn of 1915 stone was received at Cuylerville in carload lots for P. H. Murray, who was then engaged in constructing a state highway in the neighborhood. There had been no previous use of the point as a freight station, or at any rate very slight use. Since the completion of Mr. Murray's work on the highway there have been no shipments whatsoever in or out of Cuylerville. A public hearing was held in Albany January 25, 1916, and there was no appearance in opposition to the application. On the contrary, there was presented a letter from Mr. Murray to the railroad stating that he had no further use for the station and asking that the switch installed for his benefit be removed and that he be repaid his proportion of the value of the material. It is therefore

Ordered: 1. That the consent of the Commission be and the same hereby is given to the discontinuance of Cuylerville as a freight station.

2. That the applicant be authorized on ten days' notice to cancel all freight tariffs now effective to or from Cuylerville.

Special Permission Tariffs, January, 1916.

No. 5766; December 18, 1915; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its passenger tariff P. S. C., 2 N. Y., L. S. No. 8, on not less than five days' notice, for the purpose of correcting error in supplement No. 7 as to the new party fares from Falconer, N. Y., to various New York state destinations therein shown as reissued from supplement No. 2, and establish such fares effective January 11, 1916. This permission is void unless the schedule issued thereunder is filed with the Commission five days prior to January 11, 1916.

Completed by supplement No. 8 to P. S. C. No. L. S. 8, effective January 11, 1916.

No. 5768; December 21, 1915; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish

and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff of rules governing the storage in transit of dressed meats at Medina, N. Y., Syracuse, N. Y., Westchester Avenue and 130th Street, New York, N. Y., P. S. C., 2 N. Y., N. Y. C. No. 2390, on five days' notice and under an effective date of January 9, 1916, for the purpose of canceling supplement No. 1 to such tariff and thereby continue in force said rules on and after January 9, 1916. This permission is void unless the schedule issued hereunder is filed with the Commission five days prior to January 9, 1916.

Completed by P. S. C. N. Y. C. No. 2488, effective January 9, 1916.

No. 5769; December 21, 1915; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff of rules governing the storage in transit of dressed meats at Medina, N. Y., Syracuse, N. Y., Westchester Avenue and 130th Street, New York, N. Y., P. S. C., 2 N. Y., W. S. No. 630, on five days' notice and under an effective date of January 9, 1916, for the purpose of canceling supplement No. 1 to such tariff and thereby continue in force said rules on and after January 9, 1916. This permission is void unless the schedule issued thereunder is filed with the Commission five days prior to January 9, 1916.

Completed by P. S. C. W. S. No. 669, effective January 9, 1916.

No. 5774; December 28, 1915; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

This special permission not used.

No. 5775; December 29, 1915; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2353, on not less than one day's notice and under an effective date not earlier than January 1, 1916, for the purpose of correcting station index Nos. from which rates apply, as shown in supplement No. 2, item seven, commodity Belting, to read Nos. 1 to 97 inclusive, and No. 136. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 2353, effective January 3, 1916.

No. 5776; December 29, 1915; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff and therein establish, on not less than one day's notice, rate of fifteen and eight-tenths cents per hundred pounds on Lumber and Forest Products, as per list accompanying application, in carloads, minimum weight as per official classification in effect at the time of shipment, from Childwold, N. Y., over its line via Corning, N. Y., and the Erie railroad to Canisteo, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 2117, effective January 7, 1916.

No. 5777; December 29, 1915; Lehigh Valley Railroad Company:

This special permission not used.

No. 5778; December 30, 1915; The Delaware, Lackawanna and Western Railroad Company:

This special permission not used.

No. 5779; December 31, 1915; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff of absorption of switching, P. S. C., 2 N. Y., No. 2621, filed to take effect January 15, 1916, on not less than five days' notice, for the purpose of correcting error on page eighteen in connecting line charges, per car, opposite Buffalo Cereal Company, to read \$2.10, with prefix reference marks 4 and 5 in circle. This permission is void unless the schedule issued thereunder is filed with the Commission at least five days prior to January 15, 1916.

Completed by supplement No. 1 to P. S. C. No. 2621, effective January 15, 1916.

No. 5780; December 31, 1915; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

This special permission not used.

No. 5781; December 31, 1915; West Shore Railroad (The New York Central Railroad Company, Lessee):

This special permission not used.

No. 5784; January 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of eighteen cents per hundred pounds on Shirts, Shirt Waists, Collars and Cuffs, in cases, less carloads, from Albany, N. Y., Green Island, N. Y., and Troy, N. Y., to Beacon, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2493, effective January 7, 1916.

No. 5785; January 4, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. D-3220, the application of Rule 9 (e) of this Commission's Circular No. 55 being hereby waived, for the purpose of suspending, as to New York state traffic, the application of the tariff from the effective date of the supplement issued hereunder until April 30, 1916, said amendment to give reference by P. S. C., 2 N. Y., number to the schedule containing rates and regulations which will apply during the period of suspension. This permission is void unless the schedule issued thereunder is filed with the Commission within fifteen days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. D-3220, effective January 12, 1916.

No. 5786; January 4, 1916; Empire United Railways, Incorporated:

Ordered: That the Empire United Railways, Incorporated, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a commodity freight tariff and therein establish, on not less than three days' notice, the less than carload rates, in cents per hundred pounds, on Rope, Twine, and Yarn from Auburn, N. Y., to New York state stations Baldwinsville, Clyde, East Rochester, Fairport, Fulton, Jordan, Lyons, Macedon, Memphis, Minetto, Newark, Oswego, Palmyra, Phoenix, Port Byron, Port Gibson,

Savannah, Syracuse, Warner, Weedsport, and Rochester as shown in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 25, effective January 11, 1916.

No. 5787; January 4, 1916; Auburn and Syracuse Electric Railroad Company:

Ordered: That the Auburn and Syracuse Electric Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than three days' notice, the less than carload rates, in cents per hundred pounds, on Rope, Twine, and Yarn from Auburn, N. Y., to Marcellus, N. Y., Skaneateles, N. Y., Split Rock, N. Y., and Syracuse, N. Y., as shown in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 17, effective January 11, 1916.

No. 5788; January 5, 1916; by E. Morris, duly authorized agent for carriers:

Ordered: That in order to maintain established relationships between state and interstate rates and regulations referred to in Interstate Commerce Commission Docket 693, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) and The New York, Chicago and St. Louis Railroad Company, or their duly authorized agents, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements amending freight schedules issued by E. Morris, Agent, as P. S. C., 2 N. Y., No. 22; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) as P. S. C., 2 N. Y., Nos. 507 (L. S. & M. S. series) and 205 (D., A. V. & P. series); and The New York, Chicago and St. Louis Railroad Company as P. S. C., 2 N. Y., Nos. 443, 482, and 528, for the purpose of further postponing, as to New York state traffic, from January 13, 1916, until February 13, 1916, the taking effect of items operating to increase rates or charges on packing house products, provisions, and meats, the taking effect of which items has been previously postponed from August 15, 1915. This permission is void unless the schedules issued thereunder are filed with the Commission on or before January 13, 1916.

Completed by the publication and filing of proper supplements to tariffs named.

No. 5789; January 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a freight tariff for the purpose of establishing, on not less than one day's notice, a rate of forty-two cents per two thousand pounds on Moulding Sand, carloads, minimum weight fifty-four thousand pounds, from Rochester (State Street station), N. Y., to Rochester (Kent Street station), N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2506, effective January 17, 1916.

No. 5790; January 11, 1916; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a freight tariff for the purpose of establishing, on not less than five days' notice, a joint rate of ninety-five cents per two thousand pounds on Logs, carloads, minimum weight as per official classification in effect at time of shipment, from Bolivar, N. Y., Coons, N. Y., Raymonds, N. Y., and Glassplant, N. Y., to Salamanca, N. Y. This permission is void unless the

schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 171, effective January 22, 1916.

No. 5791; January 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 39, for the purpose of establishing, on not less than one day's notice, a rate of eighty-four cents per two thousand pounds on Cement (common, hydraulic, natural, or portland), carloads, minimum weight marked capacity of car, from Hudson, N. Y., to Port Morris, N. Y., for delivery to barges and lighters; and adding note to tariff P. S. C., 2 N. Y., N. Y. C. No. 39, opposite present rate to Port Morris of one dollar and twenty-six cents per two thousand pounds, limiting the application to track delivery. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 39, effective January 21, 1916.

No. 5792; January 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a commodity freight tariff, and establish, on not less than one day's notice, a rate of one dollar and thirty-two cents per ton of two thousand two hundred forty pounds on Axles, Old Car; Borings (iron or steel); Rails, Old (regardless of the purpose for which they are used); Scrap (iron or steel); Turnings (iron or steel); Wheels, Old Car (loose or attached to axles); in carloads, minimum as per The New York Central Railroad Company's (line Buffalo, N. Y., Clearfield, Penna., and east) freight tariff P. S. C., 2 N. Y., No. 9131, from Rochester (Brighton, Kent Street, Portland Avenue, and State Street stations), N. Y., to Oswego, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2505, effective January 19, 1916.

No. 5793; January 12, 1916; E. Morris, Agent:

Ordered: That the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof), The New York, Chicago and St. Louis Railroad Company, and E. Morris, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, amendments to their tariffs of Exceptions to Official Classification for the purpose of canceling, without notice, effective January 15, 1916, certain items which in effect would operate to cancel fifth-class ratings on Animal, Poultry, or Pigeon Feed, less carloads, the effective dates of which are now under postponement until January 15, 1916, and to provide for the continuance of the ratings now in force and effect on such articles. Said supplements to show date of issue and number of this special permission as authority therefor, and to be filed with the Commission on or before January 15, 1916.

Completed by supplement 56 to N. Y. C. & St. L. P. S. C. No. 443; supplement 71 to Erie (West) P. S. C. No. A-381; supplement 42 to Eugene Morris, Agt. (for N. Y. C. [West]), P. S. C. No. 22, all effective January 15, 1916.

No. 5794; January 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law

and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2217, and therein establish, on not less than one day's notice, a rate of eight and nine-tenths cents per hundred pounds on Pulp Wood, carloads, minimum weight as per official classification in effect at the time of shipment, from Santa Clara, N. Y., over its line via Moira, N. Y., Rutland railroad, Rouses Point, N. Y., and The Delaware and Hudson Company's railroad to Delano Junction, N. Y. (when destined Ticonderoga, N. Y.). This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 16 to P. S. C. N. Y. C. No. 2217, effective January 24, 1916.

No. 5795; January 14, 1916; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an agreement to its freight tariff P. S. C., 2 N. Y., No. 3154, and therein establish, on not less than one day's notice, a rate of seventy-four cents per ton of two thousand pounds, subject to notes 13 and 24 as shown in tariff, on Broken and Crushed Stone, in carloads, minimum weight marked capacity of car, but in no case less than forty thousand pounds, from Schoharie Junction, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to Niskayuna, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement 21 to P. S. C. No. 3154, effective January 16, 1916.

No. 5796; January 14, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, an amendment to its freight tariff P. S. C., 2 N. Y., No. 10366 (N. Y. C. & H. R. R. Co. issue), for the purpose of correcting storage period and charge in connection with Rule 4½ on page seven of supplement No. 48 to read "For each five days or fraction thereof beyond the period of free storage, ½ cent per 100 pounds"; also to correct storage period and charge in connection with Rule 5 on same page to read "For each five days or fraction thereof beyond the period of free storage (including handling in and out) ½ cent per 100 pounds."

It is further Ordered: That because tariff P. S. C., 2 N. Y., No. 10366, will be superseded on February 1, 1916, by tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said superseding tariff be correspondingly amended effective February 1, 1916.

This permission is void unless the schedules issued thereunder are filed with the Commission on or before January 31, 1916.

Completed by supplement No. 49 to P. S. C. No. 10366, effective January 17, 1916; completed by supplement No. 1 to P. S. C. N. Y. C. No. 2483, effective February 1, 1916.

No. 5797; January 14, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, an amendment to its freight tariff P. S. C., 2 N. Y., No. 2983 (N. Y. C. & H. R. R. Co., lessee, issue), for the purpose of correcting storage period and charge in connection with Rule 4½ on page eight of supplement No. 49 to read "For each five days or fraction thereof beyond the period of free storage,

$\frac{1}{2}$ cent per 100 pounds"; also to correct storage period and charge in connection with Rule 5 on same page to read "For each five days or fraction thereof beyond the period of free storage (including handling in and out), $\frac{1}{2}$ cent per 100 pounds."

It is further Ordered: That because tariff P. S. C., 2 N. Y., No. 2983, will be superseded on February 1, 1916, by tariff P. S. C., 2 N. Y., W. S. No. 667, said superseding tariff be correspondingly amended, effective February 1, 1916.

This permission is void unless the schedules issued thereunder are filed with the Commission on or before January 31, 1916.

Completed by supplement No. 50 to P. S. C., W. S. No. 2983, effective January 17, 1916; and completed by supplement No. 1 to P. S. C., W. S. No. 667, effective February 1, 1916.

No. 5798; January 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, rate of nine cents per hundred pounds on Brass articles as follows: Blanks, Fittings, Nails, Rods, Tubes, and Wire; on Copper articles as follows: Blanks, Eyelets, Ferules, Rivets, Rods, Tubes, and Wire; also on Iron Rods (brass covered), Iron Tubes (brass covered), Sheet Brass, and Sheet Copper, in carloads, minimum weight as per official classification in effect at the time of shipment, from Rome, N. Y., to Schenectady, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2509, effective January 19, 1916.

No. 5799; January 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of sixty-three cents per ton of two thousand pounds on Asphalt Paving Blocks, carloads, minimum weight fifty thousand pounds, from Lockport, N. Y., to Buffalo, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2512, effective January 22, 1916.

No. 5800; January 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of 2.1 cents per hundred pounds on Wrapping Paper, carloads, minimum weight as per official classification in effect at the time of shipment, from Milo Mills, N. Y., to Seneca Mills, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2513, effective January 20, 1916.

No. 5801; January 19, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a commodity freight tariff on Live Stock, etc., for the purpose of canceling tariff P. S. C., 2 N. Y., No. D-3235,

and correcting typographical error therein shown on page two where rates are stated in cents per one hundred and thirty pounds instead of in cents per one hundred pounds, said tariff also to cancel tariff P. S. C., 2 N. Y., No. D-2977. This permission is void unless the schedule issued thereunder is filed with the Commission on or before January 25, 1916.

Completed by P. S. C. No. D-3247, effective January 26, 1916.

No. 5802; January 19, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and under an effective date not earlier than February 11, 1916, an amendment to its freight tariff P. S. C., 2 N. Y., No. D-3196, for the purpose of correcting error in Rule No. 24, unloading charges on ore at Buffalo, N. Y., which provides that charge will be ten cents per ton of two thousand pounds, to read ten cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission on or before February 10, 1916.

Completed by supplement No. 5 to P. S. C. No. D-3196, effective February 11, 1916.

No. 5803; January 20, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than fifteen days' notice and under an effective date not earlier than February 15, 1916, an amendment to its freight tariff P. S. C., 2 N. Y., No. 2631, for the purpose of correcting Rule 5, item 6-A, as shown on page two of supplement No. 2, to read as follows:

"Rule 5. The above arrangement will not apply on shipments subject to Rule 8-B of Official Classification reading as follows: Owners are required to load and unload heavy or bulky freight carried at l. c. l. ratings that can not be handled by the regular station employees, or at stations where the carrier's loading or unloading facilities are not sufficient for handling, when it is necessary to transfer such freight en route to its ultimate destination unless shipper or consignee furnished the labor to make such transfer at the freight house or transfer platform at station where the ferry car service is performed."

This permission is void unless the schedule issued thereunder is filed with the Commission on or before January 31, 1916.

Completed by supplement No. 3 to P. S. C. No. 2631, effective February 15, 1916.

No. 5804; January 20, 1916; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. 3112, and therein establish, on not less than one day's notice, a rate of thirty-two cents per ton of two thousand pounds on Logs, in carloads, minimum weight fifty thousand pounds, from Lyon Mountain, N. Y., Standish, N. Y., Twin Ponds, N. Y., Wolf Pond, N. Y., Plumadore, N. Y., Loon Lake, N. Y., Lake Kushaqua, N. Y., Vermontville, N. Y., Bloomingdale (Paul Smith's), N. Y., and Saranac Lake, N. Y., to Onchiota, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 9 to P. S. C. No. 3112, effective January 22, 1916.

No. 5805; January 17, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a joint commodity freight tariff on

Live Stock, in carloads, from East Buffalo (Stock Yards), N. Y., to stations on the Central New York Southern Railroad Corporation, said tariff to contain same rate on Horses and Mules as now shown in tariff P. S. C., 2 N. Y., No. D-2976; and other live stock rates, minimum carload weights, and rules as now shown in tariff P. S. C., 2 N. Y., No. D-3234, such new tariff to cancel both tariffs referred to. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3244, effective January 24, 1916.

No. 5806; January 21, 1916; Wellsville and Buffalo Railroad Corporation:

Ordered: That the Wellsville and Buffalo Railroad Corporation be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than three days' notice, a local commodity freight tariff on Agricultural Lime, carloads, minimum weight forty thousand pounds, from Buffalo, N. Y., to various stations on the Wellsville and Buffalo Railroad Corporation's line, canceling tariff P. S. C., 2 N. Y., No. 3, filed to take effect February 20, 1916, and reissuing the rates contained therein without change. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by P. S. C. No. 4, effective January 27, 1916.

No. 5807; January 21, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a commodity freight tariff on Calves, Lambs, and Sheep, in straight carloads, and Calves, Lambs and Sheep mixed with Cattle or Hogs, in carloads, minimum weight as per official classification and exceptions thereto, from Perry, N. Y., over its line via Silver Springs, N. Y., and the Erie railroad to Black Rock, N. Y., Buffalo Lake, N. Y., Buffalo Town, N. Y., East Buffalo, N. Y., Buffalo, Main Street, N. Y., and Buffalo, Walden Avenue, N. Y., at rate of ten and one-half cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by P. S. C. No. 1229, effective February 1, 1916.

No. 5808; January 17, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than February 15, 1916, an amendment to its joint freight tariff of class rates, P. S. C., 2 N. Y., No. 231, for the purpose of canceling supplement No. 12 thereto, and reissuing the matter contained without change except to correct error in effective date of item shown on page three to read February 15, 1916. This permission is void unless the schedule issued thereunder is filed with the Commission at least one day prior to February 15, 1916.

Completed by supplement No. 13 to P. S. C. No. 231, effective February 15, 1916.

No. 5809; January 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of fifty-three cents per cord on Pulp Wood, in carloads, minimum twelve cords, from

Hinckley, N. Y., to McKeever, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 1909, effective January 31, 1916.

No. 5810; January 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of seventy cents per ton of two thousand pounds on Cord Wood, carloads, minimum weight forty thousand pounds, from Rensselaer, N. Y., to Newton Hook, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2537, effective January 31, 1916.

No. 5811; January 25, 1916; R. N. Collyer, Agent:

Ordered: That R. N. Collyer, duly authorized agent for various carriers to publish and file Official Classification, be and is hereby authorized to publish and file in the manner prescribed in the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a supplement to his freight tariff P. S. C., 2 N. Y., O. C. No. 42, for the purpose, in so far as New York state traffic subject to the jurisdiction of this Commission is concerned, of canceling supplement No. 9, and items four and five of page forty-six of supplement No. 10 to said tariff. Said supplement may be issued as supplement No. 23-A, and under effective date of January 30, 1916, giving reference by P. S. C., 2 N. Y., number to tariff where the ratings and the specifications for articles now shown in supplement No. 9, and in items four and five of page forty-six of supplement No. 10 to P. S. C., 2 N. Y., O. C. No. 42, will thereafter be found. This permission is void unless the schedule issued thereunder is filed with the Commission on or before January 29, 1916.

Completed by supplement No. 23-A to P. S. C. O. C. No. 42, effective January 30, 1916.

No. 5812; January 26, 1916; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local and joint commodity tariff and therein establish, on not less than one day's notice, a rate of fifty-five cents per ton of two thousand pounds on Ice, carloads, minimum weight forty thousand pounds, from Cuba (Cuba Summit), N. Y., to Arkport, N. Y.; and a rate of seventy cents per ton of two thousand pounds from Cuba (Cuba Summit), N. Y., over its line via Canisteo, N. Y., and the New York and Pennsylvania railway to Greenwood, N. Y., Rexville, N. Y., and Whitesville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3538 and supplement No. 3 to P. S. C. No. 3131, effective January 29, 1916.

No. 5813; January 26, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of ninety-five cents per cord on Cord Wood, Mill Wood, Slab Wood, and Edgings, carloads, minimum twelve cords, from Plumadore, N. Y., to Tupper Lake June-

tion, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 52, effective February 3, 1916.

No. E-75; January 22, 1916; F. G. Airy, Agent:

Ordered: That F. G. Airy, duly authorized agent for various express companies, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than three days' notice and under an effective date not earlier than February 10, 1916, an amendment to his P. S. C., 2 N. Y., No. 86, for the purpose of correcting error in scale rate from sub-block D, Block 749, to sub-block M, Block 650, changing same from Scale 8 to Scale 5. This permission is void unless the schedule issued thereunder is filed with the Commission at least three days prior to February 10, 1916.

Completed by supplement No. 1 to P. S. C. No. 86, effective February 10, 1916.

[Case No. 5070]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the PORT JEFFERSON ELECTRIC LIGHT COMPANY *against* NORTH SHORE ELECTRIC LIGHT AND POWER COMPANY as to alleged unlawful exercise of franchise in the incorporated village of Shoreham.

The complaint in this proceeding was filed on July 15, 1915. It alleges "that the North Shore Electric Light and Power Company is unlawfully exercising a franchise within the incorporated village of Shoreham, its franchise having been granted by the officials of the Town of Brookhaven in 1909, and never exercised within the incorporated limits of the village of Shoreham until June, 1915, but said franchise is now being exercised without the approval of the Public Service Commission". The answer of the North Shore company was filed on August 20, 1915, and the matter has been at issue since that time. In the answer, the respondent admits the granting of the franchise in the Town of Brookhaven in 1909, and alleges that the Public Service Commission for the Second District approved the exercise of such franchise on February 28, 1911, and that it is now being exercised pursuant to such approval. No formal hearing has been held in this matter although the case has been set down for a hearing several different times, but adjournments have been taken by stipulation of the parties. The Commission having considered the matter further is now of the opinion that no formal hearing is necessary as the matter can be disposed of without subjecting the parties to the trouble and expense incident thereto. The records of the Commission show that a franchise was granted to the respondent by the Town of Brookhaven on March 11, 1909. An application to the Commission by the respondent for permission to exercise said franchise was denied in 1910. Such application was subsequently renewed, and on February 28, 1911, an order was made by the Commission granting the application. The village of Port Jefferson is located in the town of Brookhaven, and the North Shore company is doing business in that village. The village of Shoreham was carved out of the town of Brookhaven, but at the time the Commission approved the exercise of the franchise in the town of Brookhaven the village had not been incorporated. The franchise, however, covers all of that portion of the town which is now included in the village of Shoreham, so that the only question in the case is whether or not the respondent is illegally operating in the village of Shoreham under the franchise granted by the Town of Brookhaven. When a portion of the town of Brookhaven was set aside as a village the rights of the respondent to exercise its franchise therein were not taken away. The village took over that portion of the town subject to such rights as might exist in others to exercise franchises in the public highways; to hold otherwise would be to promote endless confusion. However, the matter has been definitely determined by the courts in *People ex rel. Woodhaven Gas Co. v. Deehan*, 153 N. Y. 528. The complaint can not be sustained, and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 5255]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of JOHN E. JUDGE of
Plattsburgh *against* PLATTSBURGH TRACTION COM-
PANY as to non-operation to Bluff Point during the
winter months.

The above matter having been brought on for a hearing before the Com-
mission, now upon the facts and conclusions set forth in the accompanying
opinion it is

Ordered: That the complaint herein be and the same hereby is dismissed
and the case closed upon the records of the Commission.

[Case No. 5263]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of LEROY D. BECRAFT
under chapter 667 of the laws of 1915 for a certificate
of convenience and necessity for the operation of a
stage route by auto busses in the city of Corning.

Upon the facts found and conclusions reached in the opinion of Commis-
sioner Hodson, which is approved and filed herein, this Commission hereby
certifies that public convenience and necessity require the operation by LeRoy
D. Becraft of an auto bus line or route as provided in the consent heretofore
granted by the mayor and common council of the City of Corning which is
attached to the petition herein, through a portion of the streets of the city
of Corning, to wit "from the easterly city line of Corning along Park avenue
to Cohocton street, thence along Cohocton street to Market street, thence
along Market street to State street, thence along State street to Bridge street,
thence along Bridge street to Pulteney street, and thence along Pulteney
street to the westerly city line of Corning". This certificate is granted
subject to all the terms and conditions of the consent of said city herein-
before mentioned, and subject to all present and future ordinances of said
City of Corning and to the provisions of all statutes and requirements of the
State of New York which may be applicable thereto, and is not assignable
without the consent of this Commission. And it satisfactorily appearing to
the Commission that the auto bus route within the city of Corning mentioned
and described in the above certificate is a part only of the proposed route of
said petitioner, and which route in its entirety continues from the westerly
city line of Corning over a state highway to the corner of Water and Hamilton

streets in the village of Painted Post, in which village there is a foundry where many people are employed who live in the city of Corning, more than a mile away, and the basis of the application of the petitioner herein being the convenience of said workmen as well as the residents of said village and others living along said highway in their transportation between the village of Painted Post and the city of Corning,

It is further Ordered: That the certificate herein shall not be deemed to authorize the carrying of any passengers over said route from one point to another within the city of Corning, but is intended solely for the transportation of passengers over said route or any part thereof between any point in the city of Corning and the village of Painted Post.

It is further Ordered: That this certificate and order shall be of no force or effect until the petitioner herein shall file with the Commission his duly executed acceptance of the same and of each and every part and condition thereof.

[Case No. 5282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of JAMES E. ADAMS under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a certain stage route by auto busses in the city of Corning.

Upon the facts found and conclusions reached in the opinion of Commissioner Hodson, which is approved and filed herein, this Commission hereby certifies that public convenience and necessity require the operation by James E. Adams of an auto bus line or route as provided in the consent heretofore granted by the mayor and common council of the City of Corning which is attached to the petition herein, through a portion of the streets of the city of Corning, to wit "from the easterly city line of Corning along Park avenue to Cohocton street, thence along Cohocton street to Market street, thence along Market street to State street, thence along State street to Bridge street, thence along Bridge street to Perry avenue, thence along Perry avenue to Baker street, and thence along Baker street to the northerly city line of Corning". This certificate is granted subject to all the terms and conditions of the consent of said city hereinbefore mentioned, and subject to all present and future ordinances of said City of Corning and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto, and is not assignable without the consent of this Commission. And it satisfactorily appearing to the Commission that the auto bus route within the city of Corning mentioned and described in the above certificate is a part only of the proposed route of said petitioner, and which route in its entirety continues to the New York Central shops beyond the northerly city line of Corning, where many workmen are employed who live in said city, a long distance from said shops; and the basis of the application of the petitioner herein being the convenience of said workmen in their transportation between their homes and their work,

It is further Ordered: That the certificate herein shall not be deemed to authorize the carrying of any passengers over said route from one point to

another within the said city of Corning, but is intended solely for the transportation of passengers over said route or any part thereof between any point in the city of Corning and the said shops of The New York Central Railroad Company.

It is further Ordered: That this certificate and order shall be of no force and effect until the petitioner herein shall file with the Commission his duly executed acceptance of the same and of each and every part and condition thereof.

[Case No. 5299]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of J. J. LIVINGSTON against THE NEW YORK CENTRAL RAILROAD COMPANY, asking for crossing of said company's railroad from one part of complainant's land to another, at a point about two miles east of Morristown, St. Lawrence county.

Complainant owns a parcel of land consisting of about twenty-five acres lying about two miles east of Morristown, New York. The property borders on the state highway running from Ogdensburg to Morristown, and the New York Central railroad runs through the property dividing it into two parcels, one of which borders on the St. Lawrence river and consists of about 2.75 acres. He complains that The New York Central Railroad Company refuses to give him a crossing over its tracks so that he may have access from the larger parcel fronting on the state highway to the smaller parcel abutting on the river. The Commission suggested a hearing in the matter at Albany, but the complainant has not been able to arrange the matter conveniently up to the present time and has suggested that the Commission decide the matter on the papers constituting the record in the case as filed with it. To this the respondent can not object, because it will not be deprived of any rights by the action which the Commission proposes to take in this matter. Section 52 of the Railroad Law covers the question of farm crossings. The courts have definitely decided that the statute does not limit the right of adjoining owners to crossings solely for agricultural purposes but they may be ordered to enable the owners to remove the natural products of the land like stone and minerals. (*The Buffalo Stone & Cement Co. v. The Delaware, Lackawanna and Western Railroad Co.*, 130 N. Y. 152-159.) Therefore, while the railroad company contends that the complainant is not entitled to the crossing because it is not required for farming purposes, yet this decision of the Court of Appeals would seem to definitely determine that the owner of property which is divided by the tracks of a railroad company is entitled to a crossing whether intended for farming purposes or not. We are met with difficulty, however, in giving the plaintiff any relief by the last sentence in paragraph 52 of the Railroad Law, which provides that in the event of dispute the question of crossings is to be determined by the Supreme Court. This takes away from the Commission the jurisdiction of the subject matter of this complaint, and it is therefore unable to give the complainant the desired relief. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

72 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5302]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of JOHN T. HALL.
against WELLS FARGO AND COMPANY EXPRESS as to refusal to collect and deliver express packages to his manufacturing plant just over the west city line of Jamestown.

The company having answered in the above entitled matter that the complaint would be satisfied, and attorney for complainant having informed the Commission "Mr. Hall has just been informed by the Wells Fargo and Company Express that on and after February 1st next it will extend its collection and delivery service to the complainant," it is

Ordered: That the case is hereby closed on the records of this Commission, subject to being reopened in the future if requested by complainant.

[Case No. 5303]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the complaint of JOHN T. HALL
against AMERICAN EXPRESS COMPANY as to refusal to collect and deliver express packages to his manufacturing plant just over the west city line of Jamestown.

The company having answered in the above entitled matter that the complaint would be satisfied, and attorney for complainant having informed the Commission "the American Express Company has not definitely assured the complainant that the service will be extended as desired, but in view of the fact that the company is substantially complying with the complainant's request it is not deemed advisable to pursue the matter further at present," it is

Ordered: That the case is hereby closed on the records of this Commission, subject to being reopened in the future if requested by complainant.

[Case No. 5364]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ERIE RAILROAD COMPANY under section 55 of the Public Service Commissions Law for permission to execute an equipment trust lease and agreement of assignment of lease, and for permission to guarantee an issue of 4½ per cent equipment trust certificates for \$3,680,000 to be known as Series CC.

Petition filed December 30, 1915; memorandum of division of capitalization dated January 8, 1916; supplemental petition filed January 19, 1916; hearing held January 21, 1916; report of transportation engineer dated January 20, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to execute and deliver a certain agreement of lease of equipment dated November 30, 1915, with Edward T. Stotesbury of Philadelphia, Pennsylvania, and to execute and deliver to the Commercial Trust Company, trustee, a certain agreement of assignment of lease between Edward T. Stotesbury, the Commercial Trust Company, trustee, and the petitioner herein dated December 1, 1915, to secure an issue of \$4,275,000 face value of ten-year gold equipment trust certificates to be known as Series CC, bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of June and December in each year, which certificates mature serially on the dates set forth in said lease and agreement of assignment of lease, copies of which lease of equipment and assignment of lease are filed in this case as exhibit K; and the forms of such agreements are hereby approved; and the petitioner is further authorized to indorse on each of said certificates its guaranty for the prompt payment of the principal thereof and the interest thereon.

2. That upon the execution and the delivery of said agreement of lease and agreement of assignment of lease herein authorized there shall be filed with this Commission verified copies in the forms in which they were executed and filed, together with the affidavit by the president or other executive officer of the company stating that the agreement of lease and agreement of assignment of lease as executed and filed are the same as herein approved by the Commission.

3. That said equipment trust certificates of a total face value of \$4,275,000 shall be sold at not less than 97½ per cent of their face value and accrued interest, to give net proceeds of \$4,168,125.

4. That said equipment trust certificates herein authorized of a total face value of \$4,275,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows:

500 drop-end gondola cars constructed by Standard Steel Car Co., Nos. 18700 to 19199 inclusive;
500 drop-end gondola cars constructed by American Car & Foundry Co., Nos. 19200 to 19699 inclusive;
1000 self-clearing hopper cars constructed by Pressed Steel Car Co., Nos. 32500 to 38499 inclusive;

11 all steel suburban coaches constructed by Pressed Steel Car Co., Nos. 2007 to 2017 inclusive;	
2 all steel suburban combined passenger and baggage cars constructed by Pressed Steel Car Co., Nos. 801 and 802;	
5 all steel through line coaches constructed by Pressed Steel Car Co., Nos. 2200 to 2204 inclusive;	
1 all steel through line baggage car constructed by Pressed Steel Car Co., No. 599;	
10 2-10-2 type locomotives constructed by Baldwin Locomotive Works, Nos. 4001 to 4010 inclusive;	
13 2-10-2 type locomotives constructed by American Locomotive Co., Nos. 4011 to 4023 inclusive;	
5 2-10-2 type locomotives constructed by Lima Locomotive Corp., Nos. 4024 to 4028 inclusive;	
5 2-10-2 type locomotives constructed by American Locomotive Co., Nos. 4100 to 4104 inclusive;	
2 triple articulated locomotives constructed by Baldwin Locomotive Works, Nos. 5015 and 5016;	
10 K-4 type locomotives constructed by American Locomotive Co., Nos. 2734 to 2743 inclusive;	
10 2-10-2 type locomotives constructed by American Locomotive Co., Nos. 4105 to 4114 inclusive;	
10 2-10-2 type locomotives constructed by Baldwin Locomotive Works, Nos. 4029 to 4038 inclusive.	
Estimated cost of equipment which is to be covered by lease.....	\$5,080,964.34
Amount to be provided through cash payment by petitioner	\$805,182.20
Face value of securities herein authorized.....	4,275,000.00
	<u>5,080,182.20</u>

Amount unprovided for..... \$782.14

5. That if the said certificates of a total face value of \$4,275,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$4,275,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Erie Railroad Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such periods, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 1080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 3rd day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE LONG ISLAND RAILROAD COMPANY for an order authorizing it to issue debentures not to exceed in amount \$16,500,000 pursuant to the provisions of section 55 of the Public Service Commissions Law; also for authority to increase the limit of debentures to be authorized from \$16,500,000 to \$26,500,000.

Fourth supplemental and amendatory order.

Petition filed August 20, 1909; hearing held September 14, 1909; order entered November 18, 1909; opinion of the Commission dated November 18, 1909; first supplemental petition filed March 14, 1910; hearing held March 24, 1910; affidavit of John R. Savage, chief engineer of the petitioner, regarding construction expenditures filed August 6, 1910; first supplemental order entered August 29, 1910; second supplemental petition filed August 25, 1911; report of Commission's engineer dated August 31, 1911; second supplemental order entered October 11, 1911; affidavit of journal entries filed January 4, 1912; third supplemental petition filed January 12, 1912; third supplemental and amendatory order entered May 28, 1912; fourth supplemental petition filed August 22, 1913; fifth supplemental and amendatory petition filed August 13, 1914; report of division of capitalization dated April 7, 1915; report of transportation engineer dated April 26, 1915; memoranda division of capitalization dated August 4, 1915, and September 8, 1915 (2); sixth supplemental petition filed December 9, 1915; final report division of capitalization rendered December 27, 1915, and a copy thereof submitted tentatively to the corporation on December 28, 1915; memorandum division of capitalization dated January 15, 1916; seventh supplemental and amendatory petition filed January 4, 1916; hearing held January 28, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 27, 1915, and on December 28, 1915, served tentatively on the corporation, such entries being listed on page 146 thereof, with the exception of proposed entries K-1 and K-2, and in addition a journal entry to credit investment in road account and charge profit and loss with \$159,817.46, representing the cost of maintaining revenue tracks to December 31, 1911, during the progress of the Bay Ridge Improvement, shall be entered upon the books of The Long Island Railroad Company; and that within thirty days of the service of this order verified detailed proof shall be submitted to the Commission that such entries have been made.

2. That the order herein dated the 18th day of November, 1909, is amended by increasing the maximum amount of 4 per cent 10-year gold debenture bonds of The Long Island Railroad Company which as in said order may ultimately be issued, from \$16,500,000 to \$26,500,000; provided nevertheless that before issuing any such debenture bonds in excess of the total amount heretofore and herein authorized The Long Island Railroad Company shall duly obtain consent of and authorization by this Commission for such additional issue of bonds.

3. That The Long Island Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$13,000,000 face value of its 4 per cent 10-year gold debenture bonds.

4. That said debenture bonds of the total face value of \$13,000,000 may be sold for not less than their face value and accrued interest, and in case of such sale the proceeds thereof to the amount of \$12,996,356.49 shall be used in the liquidating of The Long Island Railroad Company's indebtedness in that amount to The Pennsylvania Railroad Company for and on account of advances made by it to The Long Island Railroad Company, and by the latter expended for road and equipment to June 30, 1914; or if not thus sold, said debenture bonds of the total face value aforesaid may be delivered to said The Pennsylvania Railroad Company in liquidation of said indebtedness, the balance of \$3643.51 to be paid by The Pennsylvania Railroad Company to The Long Island Railroad Company or to be applied on account of advances by The Pennsylvania Railroad Company to The Long Island Railroad Company for road and equipment expenditures of the latter company since June 30, 1914.

5. That if the said bonds of a total face value of \$13,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$13,000,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Long Island Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That The Long Island Railroad Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory stipulation duly authorized by its board of directors and verified accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

9. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5273]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of PATRONS OF WRIGHT'S STATION, Washington county, *against* THE DELAWARE AND HUDSON COMPANY, asking that train No. 3 (passenger) stop at said station on signal, and that train No. 2 (passenger) stop at said station Sundays on signal.

Several individuals filed a request with the Commission asking that it cause The Delaware and Hudson Company to stop trains Nos. 3 and 2 at Wright's station on signal on Saturdays and Sundays. The Commission has treated it as a complaint. The matter was thoroughly considered in a complaint involving the stopping of train No. 3 at Dresden, Clemons, and Putnam, in which case the Commission made an order on December 23, 1914. There is no change in the situation since the previous order of the Commission was made, and it then considered the advisability and necessity for requiring train No. 3 to stop at Wright's station. The present request comes from the proprietor of the hotel at Wright's and from a few people who desire to fish in Lake Champlain on Saturday and Sunday and who would be patrons of the hotel. The evidence presented to the Commission would not seem to warrant it in making an order requiring the stopping of the trains of the respondent at Wright's when the same might seriously inconvenience through passengers and also subject the company to considerable unnecessary expense. It is very uncertain when any of the petitioners would visit Wright's, and they can easily reach there by stopping off at Montcalm Landing. Under the circumstances, therefore, the Commission is of the opinion that the request of the petitioners can not be granted; and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 292]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CONSUMERS NATURAL GAS COMPANY of Watkins under section 69 of the Public Service Commissions Law for consent to make a mortgage for \$85,000, and to issue thereunder 75 bonds of the denomination of \$1000 each, and 20 bonds of the denomination of \$500 each.

By order herein dated August 12, 1908, the Consumers Natural Gas Company was authorized to execute a mortgage for \$85,000, and to issue there-

under for certain specified purposes \$79,500 face value of 6 per cent 20-year gold bonds. Subsequent to the entry herein of the aforesaid order a petition was filed (in case No. 3345) under date of December 9, 1912, requesting the authority to execute a mortgage and to issue and sell \$125,000 face value of 6 per cent 25-year first mortgage bonds secured thereby, which mortgage and the issuance of bonds thereunder would supersede the previous authority conveyed in this case, No. 292. As none of the authority granted by order herein dated August 12, 1908, to execute a mortgage for \$85,000 and to issue thereunder \$79,500 face value of 6 per cent 20-year gold bonds has been exercised, and as an order has been entered in case No. 3345 authorizing the execution of a mortgage and the issuance thereunder of bonds of the face value of \$81,000, the order of August 12, 1908, in this case, No. 292, should be vacated. Now therefore, upon the foregoing record,

Ordered: That the order entered herein on the 12th day of August, 1908, is hereby vacated and this case closed upon the records of the Commission.

[Case No. 2965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in the manner in which a road known as the Burnet Avenue-East Syracuse county highway, in the village of East Syracuse, town of DeWitt, Onondaga county, crosses the tracks of The New York Central and Hudson River Railroad Company in said town.

The State Commission of Highways, the petitioner herein, having by letter dated February 2, 1916, signed by I. J. Morris, secretary, requested that this case be dropped, and recommended that it be considered closed on the records of this Commission, it is

Ordered: That said request be and is hereby granted, and that the case be removed from the record of cases pending before the Commission awaiting future determination.

[Case No. 3801]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaints of STREET SURFACE
RAILROAD EMPLOYEES represented by F. E. Bullard,
Secretary Joint Conference Board of the Amalga-
mated Association of Street and Electric Railway
Employees of America, *against* NEW YORK STATE
RAILWAYS, SCHENECTADY RAILWAY COMPANY, UNITED
TRACTION COMPANY, HUDSON VALLEY RAILWAY COM-
PANY, THE YONKERS RAILROAD COMPANY, THE WEST-
CHESTER ELECTRIC RAILROAD COMPANY, INTER-
NATIONAL RAILWAY COMPANY, as to vestibuling of
cars, air-brakes on double-truck cars, and other
matters.

In the above matter, this Commission having been informed under date of
February 1, 1916, that —

I write you at this time in answer to your communication relating to matter
of complaint made by our association which has been on file for some time, and
also once brought before the Commission.

On behalf of the Amalgamated Association of Street and Electric Railway
Employees of America I desire to state that owing to other matters coming up
affecting our association it will be impossible for us to set any time when we
could appear before the Commission on the matter. Further, the subjects stated
in complaint were based upon conditions of two years ago, and we feel that it
would be much better to withdraw the complaints which were submitted, and if
we desire to make any complaint in the future for improvements we will submit
same to you as Secretary of the Commission.

Trusting this will be satisfactory, I remain,

Very truly yours,

(signed) J. J. O'SULLIVAN,

Secretary Joint Conference Committee of the Amalgamated Association of Street
and Electric Railway Employees of America.

It is

Ordered: That this matter is hereby closed on the records of this Com-
mission as withdrawn.

[Case No. 4654]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE
VILLAGE OF CANASERAGA, Allegany county, *against*
ERIE RAILROAD COMPANY as to the taking off of trains
Nos. 475 and 478 (passenger) between Castile and
Hornell.

This Commission having on the 24th day of June, 1915, made an order
requiring the respondent, Erie Railroad Company, to restore to its schedules

and train service trains known as No. 478 and No. 475, the former train to leave Buffalo at or about 6:05 o'clock p. m. and arrive at Hornell at or about 9:30 o'clock p. m., making convenient stops at all the local stations along said route, including Portage, Hunts, Dalton, Swains, Garwoods, Canaseraga, Burns, and Hornell; and the latter train to leave Hornell at about 5:55 o'clock a. m. and arrive at Buffalo at 9:35 o'clock a. m., making convenient stops at said Arkport, Burns, Canaseraga, Garwoods, Swains, Dalton, Hunts, and Portage. And the Commission by the said order having also provided that in case the respondent, Erie Railroad Company, should determine that some local service might be supplied by the respondent to take the place of such train service which would be comparable local passenger train service between the city of Hornell and the city of Buffalo, upon substantially the time schedule of said trains, the respondent may come to the Commission for a modification of said order. That subsequently, and on the 29th day of September, 1915, upon the application of the respondent, said order was amended by striking out the ordering clauses thereof with reference to such local trains and substituting in place thereof the following:

That the respondent, Erie Railroad Company, be and it hereby is directed to make regular stops of its westbound passenger train No. 5 at Canaseraga and Portage, in addition to its present stops at Silver Springs, Warsaw, and Attica, which said train No. 5 leaves Hornell at about 4:59 o'clock a. m.; and the said respondent shall in the next train schedule and timetable issued by it cause the said places to be duly scheduled therein as regular stops for said train; that the regular stopping of said train at such places shall be put in force on or before the 10th day of October, 1915, and shall continue until the further order of this Commission.

That on the 6th day of December, 1915, the respondent, Erie Railroad Company, filed a further petition with the Commission, asking for a further amendment to the ordering clause in said last mentioned order by striking out the requirement that said fast train No. 5 stop at Canaseraga and Portage, and substituting in place thereof the local service of a passenger train which leaves Hornell at 8:40 a. m. and to stop at all of the above mentioned local stations between Hornell and Castile. A hearing was duly held by the Commission in the city of Buffalo, after due notice thereof which was published and served upon the original complainants herein; and on said hearing Messrs. M. B. Pierce of 50 Church street, New York city, attorney; A. C. Hilton, general agent passenger department; and E. J. Edmunds, train master; and C. F. Eckels, superintendent Buffalo division, appeared on behalf of the respondent, Erie Railroad Company; and there was no appearance on behalf of said original complainants, but a written protest was filed with the Commission against the change of said order as asked for by the respondent; and after hearing the proofs and allegations of the railroad company, whereby it appears that the residents of all the places where stations are located between the city of Hornell and the village of Castile will be satisfactorily accommodated by the substitution of said proposed local train in the place of the stopping of the fast passenger train No. 5 at said places; and it also satisfactorily appearing that said passenger train No. 5 is a fast through train from New York to Buffalo, carrying the mails and making an important connection at 7:30 a. m. with Lake Shore train No. 23 of the New York Central line, and that the stop at Canaseraga and other local points between Hornell and Castile is very early in the morning, so that it is inconvenient for the railroad company to have its stations open for the accommodation of any passengers; and there appearing to be no necessity for the local stops of said train at such an early hour for the reason that between October 11, 1915, and January 27, 1916, a period of 108 days, there were only 25 passengers from Canaseraga to Silver Springs, and about 40 passengers from Canaseraga to Buffalo, all of whom can be more conveniently accommodated by the said train No. 477. It is therefore

Ordered: 1. That the said order of the Commission in this case made on the 29th day of September, 1915, be and the same hereby is amended by striking out subdivisions 2 and 3 of the ordering clause thereof.

2. That the service of the westbound local passenger train of the respondent, Erie Railroad Company, known as train No. 477, which leaves Hornell at

8:40 a. m. and stops at all stations, including the stations involved in the original complaint herein, and which train reaches Buffalo at 11:30 a. m., daily, is deemed adequate local westbound service for the complainants herein, and comparable with the local morning service provided in the original order in this case.

[Case No. 5279]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SANFORD DEWOLF
against ALDEN-BATAVIA NATURAL GAS COMPANY,
asking that natural gas be furnished his residence
on Walnut street.

This case comes to the Commission upon the complaint of Sanford DeWolf of the city of Batavia, alleging that the respondent, Alden-Batavia Natural Gas Company, refuses to extend its mains and service of natural gas to the premises of the complainant which are between four hundred and five hundred feet from the present gas mains of the respondent; the answer of the respondent has been filed with the Commission wherein it is alleged that they have refused to make such extension for several reasons, chief among which is that said premises are upward of one hundred feet from any existing line of the respondent. A hearing was held in this case in the city of Batavia on the 31st day of January, 1916, at which hearing the complainant appeared in person and by Mr. E. A. Judd, his attorney; and Messrs. B. J. Stedman, counsel, and C. E. Hill, superintendent, appeared for the respondent; and certain proofs and proceedings were then taken and had whereby it satisfactorily appears that the premises of the complainant are within four hundred or five hundred feet of a high pressure main of the respondent which may be tapped, and such high pressure reduced to a low pressure service by means of a regulator, and that this practice has been adopted in several cases in that locality. An adjustment was finally arrived at between the parties whereby the company agrees to make such extension at such time as may be convenient to install the same, and thus furnish gas service to the complainant at his said residence; that prior to any work being done by the respondent the complainant shall file with the respondent a duly executed obligation that the complainant will purchase gas from the respondent which shall amount to at least the sum of \$50 per year for a period of at least four years, and shall also pay to the respondent the sum of \$16 for the installation of said regulator which shall be placed on the premises of the complainant and belong to him. The parties having thus agreed upon the settlement of this case, it is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the reservation however that in case there shall be any disagreement between the parties as to the terms and conditions of such extension of line and installation of gas service the case may be reopened upon good cause shown by either party.

82 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of INTERNATIONAL RAILWAY COMPANY as to proposed extension of its railroad between Buffalo and Niagara Falls crossing certain streets and highways, and as to said extension crossing railroads; also as to certain franchises.

Amendatory
order.

The order of this Commission of January 13, 1916, in the above entitled matter, determining that the Williamsville road highway and the Ellicott creek road highway, in the city of Tonawanda, should be crossed by one overhead bridge carrying the railroad over both highways; and it appearing that this is an error and that there are to be two bridges, one over the Williamsville road highway and one over the Ellicott creek road highway, it is

Ordered: That the subdivision of said order of January 13, 1916, which applies to the city of Tonawanda, is hereby amended to read as follows:

City of Tonawanda: Over the Williamsville road highway by an overhead bridge carrying said railroad over the street; over the Ellicott creek road highway by an overhead bridge carrying said railroad over the street; over Tonawanda creek road highway by an overhead bridge carrying said railroad over the street.

[Case No. 5367]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of CENTRAL HUDSON GAS AND ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct electric lines in the town of Pleasant Valley, Dutchess county, and for approval of the exercise of a franchise to use highways and public places received from the town.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Central Hudson Gas and Electric Company for permission to construct an electric plant in the town of Pleasant Valley, Dutchess county, and for approval of the exercise of rights and privileges under a franchise received by said company from the town; and public notice of the pendency of said petition having been published in newspapers in the vicinity; and a public hearing on said petition, after due notice, having been held in the city of Albany on February 3, 1916, J. J.

Cagney appearing for the petitioner, and no one else appearing; and this Commission hereby determining from the papers and hearing that such construction and the exercise of franchise are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Central Hudson Gas and Electric Company, in the town of Pleasant Valley, Dutchess county, of an electric plant, including poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Central Hudson Gas and Electric Company of rights and privileges under a franchise to use all of the highways and public places of said town for its said electric lines, granted to said company December 28, 1912, by the town board and superintendent of highways of said town.

2. That permission is not now given said company to lay gas mains or pipes, but application for such permission and approval of that part of the said franchise may be made to this Commission in the future.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5370]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of CENTRAL HUDSON GAS AND ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct electric lines in the incorporated village of Pleasant Valley, Dutchess county, and for approval of the exercise of a franchise to use streets and public places received from the village.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Central Hudson Gas and Electric Company for permission to construct an electric plant in the village of Pleasant Valley, Dutchess county, and for approval of the exercise of rights and privileges under a franchise received by said company from the village; and public notice of the pendency of said petition having been published in newspapers in the vicinity; and a public hearing on said petition, after due notice, having been held in the city of Albany on February 3, 1916, J. J. Cagney appearing for the petitioner, and no one else appearing; and this Commission hereby determining from the papers and hearing that such construction and the exercise of franchise are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Central Hudson Gas and Electric Company, in the village of Pleasant Valley, Dutchess county, of an electric plant, including poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light,

heat, or power; and hereby permits and approves the exercise by Central Hudson Gas and Electric Company of rights and privileges under a franchise to use all of the highways and public places of said village for its said electric lines, granted to said company December 28, 1912, by the trustees of said village.

2. That permission is not now given said company to lay gas mains or pipes, but application for such permission and approval of that part of the said franchise may be made to this Commission in the future.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5405]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of WALTER W. BUX-
TON against ALDEN-BATAVIA NATURAL GAS COM-
PANY as to certain practices of such company.

The complaint herein was filed with the Commission on the 27th day of December, 1915, by Walter W. Buxton of the city of Batavia, representing several customers of the respondent, Alden-Batavia Natural Gas Company, alleging certain irregularities in the practices and charges of the respondent: the chief complaints being that the company exacts payment of \$1 from a customer who has failed to pay a monthly gas bill within the time fixed by the rules of the company; for the expense of having an employee of the company go to the premises of the customer to turn off, and upon the subsequent payment of such bill to turn on, the gas; and further, that it is the general practice of the respondent to refuse to make extensions of their gas mains and service to new customers during the winter months. Although the respondent has not answered such complaint, the Commission held a conference in this matter in the city of Batavia on the 31st day of January, 1916, at which conference the complainant appeared in person and by Mr. E. A. Judd, his attorney; and Messrs. B. J. Stedman, counsel, and C. E. Hill, superintendent, on behalf of the respondent company; after some discussion, whereby it was made clear to the complainants that the tariff schedules filed by the respondent company with this Commission contain the charge of \$1 for the service hereinabove mentioned, and upon the assurance of the manager of the company that he would duly consider and act favorably upon any extensions to new customers at any time of the year when it was possible so to do, the complainant announced that his purpose had been accomplished and consented to the withdrawal of the complaint herein and the closing of the case by the Commission. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 4372]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ST. LAWRENCE
COUNTY POMONA GRANGE *against* MOUNTAIN HOME
TELEPHONE COMPANY as to proposed increase in
four-party line telephone rate in Canton, to take
effect July 1, 1914.

The complainants in this case ask that the Commission make an inquiry into the reasonableness of the rates of the respondent company. The complaint relates particularly to the Canton exchange. On the hearing no evidence was offered by the complainant, and it was understood that the evidence to be taken in case No. 4418, complaint of the Board of Trade of the Village of Malone against Mountain Home Telephone Company, should, so far as it might be relevant, be considered as applying to this case. Upon the facts found and for the reasons stated in the opinion in said case No. 4418, Complaint of the Board of Trade of the Village of Malone against Mountain Home Telephone Company, it is

Ordered: That this case be and the same hereby is dismissed.

[Case No. 4386]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CITY OF
PLATTSBURGH *against* MOUNTAIN HOME TELEPHONE
COMPANY as to rates and other matters.

This is a complaint against the Mountain Home Telephone Company directed against the rates and equipment in the city of Plattsburgh. It is for the most part based on certain transactions between the city and predecessors of the Mountain Home Telephone Company, which it was claimed imposed upon the respondent certain contractual obligations as to rates and the construction of its lines. A hearing was set, whereupon the corporation counsel addressed to the Commission under date of October 22, 1914, a letter in which he stated that he had brought an action in the Supreme Court to enforce the provisions of the contracts involved, and asking that this case be held in abeyance as it was probable that no hearing would be desired. Since then nothing has been heard from the complainant. It is therefore

Ordered: That the case be and the same hereby is closed upon the records of the Commission, without prejudice however to any new application which the city may at any time see fit to make.

86 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4418]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th
day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the BOARD OF
TRADE OF THE VILLAGE OF MALONE *against* MOUNTAIN
HOME TELEPHONE COMPANY as to rates, service, and
other matters; amended complaint directed also
against Adirondack Home Telephone Company and
New York Telephone Company.

Upon the facts found and for the reasons stated in the accompanying
opinion it is

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 4424]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th
day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SUBSCRIBERS OF THE
MOUNTAIN HOME TELEPHONE COMPANY ON THE
CHATEAUGAY AND BURKE EXCHANGES, Franklin
county, *against* MOUNTAIN HOME TELEPHONE COM-
PANY as to toll charges, rates, and service.

This is a complaint by subscribers of the Mountain Home Telephone
Company connected with the Chateaugay and Burke exchanges, asking that
the existing tolls between those points and Malone be removed, that the
local rates be reduced, and that the service be improved. These matters
are all covered in the opinion in case 4418, complaint of the Board of Trade
of the Village of Malone *against* Mountain Home Telephone Company, here-
with decided. Upon the facts found in that case and for the reasons
stated in that opinion it is

Ordered: That this case be and the same hereby is dismissed.

[Case No. 4933]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of inquiry instituted by the Commission as to the Federal Telephone & Telegraph Company rendering certain service without charge, and as to certain pay stations.

The Commission having on December 21, 1915, made a modified ruling in the above entitled matter with regard to pay stations which as amended reads as follows:

3. We rule generally that pay stations may be located in lodge rooms, etc., provided that (a) pay stations so located shall be equipped with coin boxes, (b) each and every local call from such station shall be charged for, (c) such stations shall each be under guaranty of receipts for local messages of at least the minimum charge quoted by the corporation for two-party business service in the particular town, or not less than the charge quoted for the highest grade of business service in case no two-party business service is quoted.

which ruling, transmitted to the respondent December 23rd last, has not yet been complied with nor accepted by the respondent.

Ordered: 1. That the respondent, the Federal Telephone & Telegraph Company, forthwith comply with the aforesaid modified ruling as contained in its notice to respondent under date of December 23, 1915, and within five days file with this Commission such amendments to its tariff as may be necessary to conform with this ruling.

Ordered: 2. That the respondent, the Federal Telephone & Telegraph Company, shall file with this Commission a notice concerning its acceptance of this order, under section 23 of the Public Service Commissions Law, within five days after the receipt of a copy hereof.

[Case No. 5145]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MORAVIA ELECTRIC LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to make a mortgage for \$20,000 and to issue an equal amount of 6 per cent bonds to be secured thereby.

Petition filed August 23, 1915; supplemental petition filed September 4, 1915; reports of electrical engineer dated October 15 and December 13, 1915; report of division of capitalization dated December 21, 1915; amended form

of proposed mortgage filed January 27, 1916; consent of stockholders to the execution of such mortgage filed January 27, 1916. Now therefore, upon the foregoing record;

Ordered as follows: 1. That the proposed journal entry contained in the report of the division of capitalization in this proceeding dated December 21, 1915, which was sent to the company, such entry being shown in schedule iv, page 37 thereof, shall be entered upon the books of the Moravia Electric Light, Heat and Power Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entry has been made.

2. That the Moravia Electric Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to William E. Greenfield of the town of Moravia, Cayuga county, New York, as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the 1st day of February, 1916, to secure an issue of first mortgage 40-year coupon bonds, bearing interest at the rate of 6 per cent per annum payable semiannually on the first days of August and February in each year, to the aggregate amount of \$30,000 face value, a copy of which has been filed with the Commission herein; and that the form of such indenture so filed is hereby approved, provided that such company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the mortgage in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by the Commission.

4. That the Moravia Electric Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$20,000 face value of its 6 per cent 40-year first mortgage bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$20,000 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$20,000.

6. That said bonds of the face value of \$20,000 so authorized, or the proceeds thereof to the amount of \$20,000, shall be used solely and exclusively for the following purposes:

(a) To retire 10-year 5% mortgage bonds outstanding, as set forth on the balance sheet shown on page 12 of the report herein dated December 21, 1915, of the division of capitalization.	\$2,500.00
(b) To discharge first mortgage upon the property of the petitioner dated April 1, 1905, given to John Taber.	3,500.00
(c) To discharge bills payable outstanding at October 31, 1915, shown on page 12 of the report herein dated December 21, 1915, of the division of capitalization or the renewals thereof.	8,180.27
(d) To be applied toward the payment of accrued interest amounting to \$4622.44 as shown on balance sheet as of October 31, 1915, shown on page 12 of the report herein dated December 21, 1915, of the division of capitalization.	3,319.73
(e) To provide for partial cost of new auxiliary station.	2,500.00
Total	\$20,000.00

7. That if the said bonds of a total face value of \$20,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$20,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Moravia Electric Light, Heat and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Moravia Electric Light, Heat and Power Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of the said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

10. That the Moravia Electric Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary of the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

11. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

12. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation, duly authorized by its board of directors, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes except to the amount of \$1826.98 are not in whole or in part reasonably chargeable to operating expenses or to income.

90 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5394]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Joint Petition of WAVERLY, SAYRE AND ATHENS TRACTION COMPANY and SAYRE RAILWAY COMPANY under section 140 *et seq.* of the Railroad Law and section 54 of the Public Service Commissions Law for permission and approval to consolidate into a new company to be called Waverly, Sayre and Athens Traction Company.

Petition filed January 13, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the joint application of the Waverly, Sayre and Athens Traction Company and the Sayre Railway Company for leave to consolidate, pursuant to provisions of section 140 *et seq.* of the Railroad Law, section 54 of the Public Service Commissions Law, and other provisions of law applicable thereto, into a new corporation to be called the Waverly, Sayre and Athens Traction Company, according to the terms of the consolidation agreement dated the 26th day of November, 1915, a certified copy of which is annexed to the petition herein as exhibit G, is hereby permitted and approved; and the said applicants and the consolidated corporation are respectively authorized to take such steps and to do such acts as are necessary or appropriate to carry said agreement and the several provisions thereof into effect; and further, that consent is hereby given to the exercise by the said consolidated corporation of all the rights, privileges, and franchises of the consolidated corporations.

2. That immediately upon the consummation of such consolidation herein authorized and approved, the Waverly, Sayre and Athens Traction Company shall file with this Commission a notice of the actual date when such consolidation has been fully and finally consummated.

3. That the Waverly, Sayre and Athens Traction Company, the consolidated corporation, shall for each three months ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been exchanged during such period in accordance with the authority contained herein and the date of such exchange; (b) with whom such exchange was made; (c) the basis of such exchange, including all material terms and conditions thereof; (d) the par value of the capital stock of the Sayre Railway Company which has been canceled during such period. Such reports shall continue to be filed until all of the stock of the consolidated corporation shall have been exchanged in accordance with the provisions of the consolidation agreement, and until the entire outstanding capital stock of the Sayre Railway Company has been canceled, provided that if during any period no stocks were exchanged or canceled the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the capital stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3414]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the FULTON COUNTY GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to renew for a period of three years a certain amount of gold notes maturing March 1, 1916.

Petition filed February 3, 1916. The Fulton County Gas and Electric Company has been authorized by this Commission to issue its short term 6 per cent gold notes as follows:

<i>Date of Authorization</i>	<i>Case No.</i>	<i>Date of Notes</i>	<i>Term of years</i>	<i>Total face value</i>
March 31, 1910.....	1562	March 1, 1910.....	3	\$99,000
June 8, 1910.....	1682	March 1, 1910.....	3	99,000
May 17, 1911.....	2329	March 1, 1911.....	2	92,000
June 26, 1912.....	2893	March 1, 1912.....	2	86,000
February 10, 1913.....	3420	All of the above notes were extended to March 1, 1916.....	....	\$326,000
April 3, 1913.....	3477	March 1, 1913.....	3	28,000
August 5, 1914.....	4342	March 1, 1914.....	2	83,000

Therefore the total face value of notes authorized by this Commission which become due and payable on March 1, 1916, is..... \$387,000

which the petitioner herein is now desirous of renewing for a further period of not exceeding three years. The proceeds of these notes have been used for additions to and extensions and improvements of the plant and distribution system of the company. Now therefore, upon the foregoing record,

Ordered: That the Fulton County Gas and Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to renew its short term 6 per cent gold notes of a total face value of \$387,000 which are described in the petition herein for a period of not to exceed three years from March 1, 1916, which said notes or any part thereof may be taken up and paid on any interest date.

[Case No. 4333]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint or Petition of JEAN M. SAVERCOOL as executrix against OVID ELECTRIC COMPANY and others.

This is in effect a petition asking for the enforcement of an order made in case No. 3317 February 19, 1914, so far as said order required that prop-

erty to be transferred thereunder by the Ulysses Electric Light, Heat and Power Company to the Ovid Electric Company should be conveyed free and clear of all liens and encumbrances. It appeared that a certain outstanding mortgage on a portion of the property which was to be transferred had not been satisfied. The case was referred to counsel for the Commission and judicial proceedings instituted to enforce compliance with the order. Said mortgage has now been satisfied and discharged of record and the proceedings instituted have been discontinued. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 4809]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the GENEVA, SENECA FALLS AND AUBURN RAILROAD COMPANY, INC., under section 55 of the Public Service Commissions Law for authority to issue notes to an aggregate amount of \$38,477.

First
amendatory
order.

On April 20, 1915, the Geneva, Seneca Falls and Auburn Railroad Company, Inc., was authorized to issue and sell at not less than 96 per cent of their face value and accrued interest its promissory notes bearing interest at the rate of 6 per cent per annum of an aggregate amount not exceeding for principal the sum of \$37,150, and to use the proceeds realized from the sale thereof for certain specified purposes. Reports of sales filed herein show that \$27,000 of these notes have been sold at an average price instead of a minimum price of 96 per cent, that is, some of these notes have been sold for more and others for less than the minimum price authorized. Inquiry into the cause of this violation of the order disclosed that the company interpreted the order as authorizing the sale of these notes at an average price of 96 per cent of their face value. By supplemental petition dated December 18, 1915, the company prays for a modification of the aforesaid order dated April 20, 1915, to authorize *nunc pro tunc* the issue of the said 6 per cent promissory notes at an average price of 96 per cent of their face value and accrued interest. After due deliberation it is

Ordered: 1. That ordering clause No. 2 of the order entered herein the 20th day of April, 1915, is hereby modified and amended by the substitution therefor of the following: "2. That said notes of the total face value of \$37,150 shall be sold at an average price of not less than 96 per cent of their face value and accrued interest, to realize net proceeds of \$35,664."

2. That the issue on May 1, 1915, by the Geneva, Seneca Falls and Auburn Railroad Company, Inc., of \$27,000 face value of the aforesaid 6 per cent promissory notes at an average price of slightly in excess of 96 per cent of their face value instead of at a minimum price of 96 per cent as authorized in the order entered herein on April 20, 1915, is hereby authorized *nunc pro tunc*.

[Case No. 4893]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of WEST VIRGINIA PULP & PAPER COMPANY *against* BOSTON AND MAINE RAILROAD.

The Commission having made an order herein January 18, 1916, and subsequently, at the request of the respondent and upon its filing a petition for rehearing, made a certain other order on the 27th day of January, 1916, suspending the operation of the order of January 18th until the determination of said petition; and the Commission having heard argument on said petition for rehearing and duly considered the same, it is

Ordered: 1. That the petition for a rehearing be and the same hereby is denied.

2. That said order of suspension is hereby vacated, and that said order of January 18th shall in all respects become operative, except that the respondent shall have until February 29, 1916, wherein to put in force the rate or charge specified in the first clause of said order of January 18th; and that the respondent shall file with the Commission its notice concerning acceptance of the terms and provisions of the order of January 18, 1916, and of this order on or before the 24th day of February, 1916.

[Case No. 5136]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of LEVI L. AMIDON ET AL. *against* WARREN AND JAMESTOWN STREET RAILWAY COMPANY in regard to rate of fare between Jamestown and Frewsburg.

A petition having been filed with the Commission on the 13th day of August, 1915, by L. L. Amidon, Frank E. Reed, A. W. Little, Lawrence Warn, Benjamin E. Davis, Otto N. Amidon, Frank B. Davis, Charles F. Myers, C. Fred Myers, and Elton Lewis, asking for an order directing the respondent, Warren and Jamestown Street Railway Company, to reduce the fare from ten cents to five cents between Jamestown and Frewsburg; the respondent filed its answer with the Commission September 20, 1915, which after admitting certain allegations of the complaint denied that the fare charged between Frewsburg and Jamestown is unreasonable, excessive, and unjust, or that a reduction of said fare would largely increase the traffic between Jamestown and Frewsburg; and further alleged that the present charge of ten cents as the fare between these places is reasonable, and that any reduction in said fare would be unjust and unreasonable. Upon the issues thus framed a

hearing was had in this case by the Commission in the city of Buffalo on the 14th day of January, 1916, at which hearing Mr. Wilson C. Price of Jamestown appeared as counsel for the petitioners; and Mr. Robert H. Jackson of Jamestown, and Mr. W. S. Clark of Warren, Penna., appeared as counsel for the respondent; certain proofs and proceedings were taken and had on said hearing whereby it satisfactorily appears to the Commission that the distance between the Jamestown terminus of the respondent's railroad and the station at Frewsburg is about six miles; that the territory between the city limits of Jamestown and Frewsburg is sparsely populated, and consequently there are very few persons who ride on the cars of the respondent between these points except through passengers, and the number does not exceed two hundred daily; that Jamestown is a city of about 37,000 population, and Frewsburg is an unincorporated village of not more than 750 residents; that an hourly service is given on the trolley line of the respondent between these points which accommodates several people who reside in Jamestown and work at Frewsburg, and others who live at Frewsburg and are required to go to the city of Jamestown; an improved state highway runs substantially parallel with this line of railway between the two points in question; the original cost of the roadbed of the railroad and the equipment thereof in this particular locality was far in excess of the average cost of any other portion of the railroad, and the maintenance of the same is very great because of the necessity of frequent repairs to the roadbed which is constructed across low lands and is therefore subject to the action of high water and quicksand; the railroad in question is single track and is operated by electricity, and runs from the city of Jamestown, N. Y., to Warren, Penna., a distance of about twenty-two miles; the franchise received by the respondent from the City of Jamestown, and under which the road is now operated, imposes certain conditions upon the respondent as to transfer privileges of passengers to and from the street car lines in the city of Jamestown, by reason of which the respondent derives very little benefit from such traffic. Upon all the facts in this case presented at said hearing it does not appear that the claim of the petitioners that the ten cent fare charged by the respondent between the city of Jamestown and the village of Frewsburg is unreasonable, excessive, or unjust, but on the contrary such facts clearly prove to the Commission that such fare of ten cents is reasonable and just and should not be reduced. It is therefore

Ordered: That the petition herein be and the same hereby is denied and this case closed on the records of the Commission.

[Case No. 5307]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of **COLLIERS LIGHT, HEAT AND POWER COMPANY** under section 68 of the Public Service Commissions Law for permission to construct poles, wires, and appurtenances for electricity in a lighting district in the town of Oneonta, Otsego county, and for approval of the exercise of rights and privileges under a franchise to use highways and public places of the lighting district received from the town board.

Upon the facts and for the reasons set forth in the accompanying opinion, the Commission having determined that the construction of an electric plant

and the exercise of the franchise granted by the town board of the Town of Oneonta to the Colliers Light, Heat and Power Company are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Colliers Light, Heat and Power Company to construct, maintain, and operate an electric plant in that portion of the town of Oneonta set forth in a franchise granted to said corporation by the town board of the Town of Oneonta on the 13th day of November, 1915, and concurred in by the town superintendent of highways of said town on November 24, 1915, and also to exercise all the rights and privileges covered by said franchise subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5350]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 68 of the Public Service Commissions Law for approval of extension of life of an electric and gas franchise from the incorporated village of Depew, Erie county.

A petition under section 68 of the Public Service Commissions Law having been filed with the Commission by The Depew and Lancaster Light, Power and Conduit Company for approval of the franchise granted to the petitioner by the local authorities of the Village of Depew, Erie county, on the 6th day of December, 1915, which extends the time of the franchise already held by the petitioner which was duly granted to one Ernest Feyler on the 8th day of February, 1901, and assigned by him to the petitioner on the 1st day of June, 1901; and upon the said petition, and after due publication of a notice thereof, a hearing was held by the Commission in the city of Buffalo on the 4th day of February, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals of Buffalo, appeared as counsel for the petitioner, and no one appeared in opposition to said petition; and such proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears to the Commission that the petitioner is now operating in the village of Depew under the franchise above mentioned, which authorizes the construction and maintenance of a plant for the distribution and transmission of electricity in said village, which by its terms expires February 8, 1946; and it further satisfactorily appearing to the Commission that the local authorities of said village have duly extended said electrical franchise to the 8th day of February, 1956, which was done for the purpose of obviating any objection which might be made to any of the securities issued by the petitioner for a longer term than the life of said original franchise, and a copy of such extension franchise is filed as an exhibit with the papers in this case. And it being hereby determined upon such proofs and proceedings that the exercise of said franchise and the extension thereof

and all construction thereunder are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval be and the same hereby are granted to the petitioner, The Depew and Lancaster Light, Power and Conduit Company, to exercise all its rights and privileges under and pursuant to the said franchise so granted on the 6th day of December, 1915, by the president and board of trustees of the Village of Depew; and to make construction thereunder; and to lay, construct, operate, maintain, and remove all necessary wires, pipes, conduits, and conductors; and to erect all necessary poles and string all necessary wires and lines, together with the appurtenances and appliances for the same, for the purpose of conducting and furnishing electricity for light, heat, and power purposes; and to maintain the same; and to replace and reconstruct any part of the equipment and system heretofore placed, constructed, and erected in, along, across, through, over, and under any of the roads, streets, alleys, highways, and public places of the said village of Depew; subject however to all the terms and conditions of said franchise granted to the petitioner as aforesaid on the 6th day of December, 1915; and also subject to all the terms and conditions of said original franchise granted to Ernest Feyler on the 8th day of February, 1901, and duly assigned to and now held and operated by the petitioner as hereinabove stated.

2. That permission and approval be and the same hereby are granted to the petitioner, The Depew and Lancaster Light, Power and Conduit Company, to exercise all its rights and privileges under and pursuant to the said franchise so granted on the 6th day of December, 1915, by the president and board of trustees of the Village of Depew, and to make construction thereunder; and to lay, extend, and maintain its mains, branches, pipes, and conduits for the distribution and sale of natural and manufactured gas in, through, and under the streets and public places of the village of Depew, Erie county; subject however to all the terms and conditions of said franchise dated December 6, 1915, and also said original franchise hereinabove described dated February 8, 1901.

3. That this order is not intended and shall not be construed to authorize any construction work by the petitioner in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5360]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

In the matter of the Petition of INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct an extension of its railway in Bailey avenue; Buffalo, between Kensington avenue and East Delevan avenue, and between East Ferry street and Seneca street; and for approval of the exercise of a franchise therefor.

This case comes to the Commission upon the petition of the International Railway Company under section 53 of the Public Service Commissions Law for permission to construct an extension of its street surface railway in

Bailey avenue in the city of Buffalo between Kensington avenue and East Delevan avenue, and also between East Ferry street and Seneca street, and for the approval of the exercise of a franchise therefor duly granted to said petitioner by the local authorities of the City of Buffalo; that said franchise was duly granted and adopted by the board of aldermen of the City of Buffalo on the 8th day of November, 1915, which action was duly concurred in by the board of councilmen of said city on the 1st day of December, 1915, and the same was duly approved by the mayor of the City of Buffalo on the 10th day of December, 1915; and which said franchise was presented to the Commission at a hearing in this matter which was marked "Exhibit 2, February 4, 1916," and is filed with the papers in this case. Such hearing was duly held by the Commission upon said petition in the city of Buffalo on the 4th day of February, 1916, pursuant to the publication of notice thereof as required by law and the rules of this Commission; and on said hearing Mr. Porter Norton, of the firm of Norton, Penney, Spring and Moore of Buffalo, appeared on behalf of the petitioner herein; Mr. Harry D. Saunders, assistant corporation counsel, appeared on behalf of the City of Buffalo; and Messrs. John J. Griffin, L. R. Gulick, Albert L. Kinsey, C. W. Hurd, George E. Bogardus, and Philip Day having also duly appeared for themselves and in behalf of many property owners in that part of the city of Buffalo traversed by Bailey avenue, all in favor of the petition herein; and there being no opposition thereto. And upon said hearing certain proofs and proceedings were taken and had whereby it satisfactorily appears to the Commission that Bailey avenue runs north and south from the northerly city line of Buffalo to the Abbott road, a distance of about six and one-half miles, and crosses Kensington avenue, East Delevan avenue, Genesee street, Walden avenue, Broadway, William street, Clinton street, Seneca street, and Elk street, all of which are important east and west streets in the city of Buffalo, and all having street car tracks therein which are parts of the system of the petitioner in the city of Buffalo; and that East Ferry street intersects Bailey avenue on the west and brings to said Bailey avenue the East Ferry Street line of cars which run northerly on Bailey avenue and thence easterly on East Delevan avenue to the easterly city line of Buffalo; that Bailey avenue is the most easterly through street in said city, and the territory between the same and said easterly city line is being rapidly developed and built up; that the most convenient high school for all of said territory, particularly if a street car line is operated for the entire length of Bailey avenue, is the one recently erected by the city in the South Park district which is in the vicinity of the southerly terminus of said avenue; that the petitioner has for some time and is now operating its street car lines on Bailey avenue between the northerly city line of Buffalo and Kensington avenue, between East Delevan avenue and East Ferry street, and between Seneca street and the Abbott road, and also operates its east and west lines across Bailey avenue on the streets above indicated, and the transfer facilities which would be afforded to passengers from one line to another are of great importance while considering the necessity for a street car line in Bailey avenue.

The franchise granted herein by the City of Buffalo to the petitioner fills in the gaps in Bailey avenue where the petitioner is not now operating a line of its railroad and authorizes the construction, maintenance, and operation of a double track street surface railroad (being an extension of the railroad of the petitioner) in Bailey avenue between Kensington avenue and East Delevan avenue, and also between East Ferry street and Seneca street; together with the right to construct, maintain, and operate such street surface railroad for public use in Bailey avenue, with such track connections, switches, turnouts, and wyes as may be necessary for the operation of said railroad through, upon, and along Bailey avenue as above set forth and described, to be operated by the single, overhead, electric trolley system of motive power, other than steam; and also for the erection upon Bailey avenue of all necessary poles and the stringing of all necessary wires so that the cars of said company may be moved by means of electricity. Some years ago the Buffalo Traction Company received from the City of Buffalo

a franchise to build and operate a street surface railroad along said Bailey avenue between Doat street and Littell street, which is the greater part of the distance between East Ferry street and Seneca street covered by the franchise under consideration in this case; the said Buffalo Traction Company also had a franchise for the laying of tracks along Bailey avenue between Connelly and Sugar streets, which is a very short distance; no part of the railroad authorized by either of said franchises has ever been built, but the said franchises were duly taken over by the petitioner herein at the time of the consolidation of the said Buffalo Traction Company and other street railroad companies in the city of Buffalo and elsewhere and merged into the International Railway Company; at the same time the franchises, rights, railroad, and property of the Crosstown Street Railway Company on said Bailey avenue between the north city line of Buffalo and Kensington avenue, between East Delevan avenue and East Ferry street, and between Seneca street and the Abbott road, were also taken over and have ever since been operated by the petitioner, International Railway Company; and the purpose of the franchise granted to the petitioner herein by the local authorities of the City of Buffalo, and approved by the mayor December 10, 1915, was to reaffirm such existing franchises and thereby grant to the petitioner, International Railway Company, the right to build, maintain, and operate a street surface line of railroad for the entire length of Bailey avenue, with all the restrictions, conditions, and limitations which are contained therein; the International Railway Company has duly accepted the said franchise, which said acceptance is in writing and was filed with the clerk of the City of Buffalo December 15, 1915, and a copy thereof has been duly presented to the Commission and was marked exhibit 3 at said hearing and is filed with the papers in this case. And it being determined by the Commission that the construction, maintenance, and operation of said street surface railroad in, along, and through Bailey avenue in the city of Buffalo, and the exercise of said franchise therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law permission and approval are hereby given to petitioner, International Railway Company, to construct, maintain, and operate a double-track street surface railroad (being an extension of the railroad of the International Railway Company) in Bailey avenue between Kensington avenue and East Delevan avenue, and also between East Ferry street and Seneca street, together with the right to construct, maintain, and operate a street surface railroad for public use in said city, with such track connections, switches, turnouts, and wyes as may be necessary for the operation of such railroad through, upon, and along the parts of said street and highway known as Bailey avenue and as above set forth and described, to be operated by the single, overhead, electric trolley system of motive power, other than steam; and also to erect upon said street and highway known as Bailey avenue all necessary poles and to string all necessary wires so that the cars of said company may be moved by means or power of electricity.

2. That permission and approval are hereby given to the said International Railway Company to exercise all the rights and privileges conferred by the said franchise so granted by the local authorities of the City of Buffalo: adopted by the board of aldermen of the City of Buffalo on the 8th day of November, 1915; concurred in by the board of councilmen of said city on the 1st day of December, 1915; and approved by the mayor of said city on the 10th day of December, 1915, subject to and in accordance with all the terms, restrictions, conditions, and limitations of the said franchise.

[Case No. 5371]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of WELLSVILLE AND BUFFALO RAILROAD CORPORATION under section 53 of the Public Service Commissions Law for approval of transfer and for the exercise of any and all franchises and rights formerly exercised by the Buffalo and Susquehanna Railway Company.

The petition of Wellsville and Buffalo Railroad Corporation verified December 31, 1915, was filed with the Commission on the 6th day of January, 1916; such petition shows that the petitioner is the successor in interest of the Buffalo and Susquehanna Railway Company, which for many years owned and operated a steam railroad between the village of Wellsville and the city of Buffalo, New York, and that the petitioner has purchased said railroad, together with all the property, rights, and franchises connected therewith, and asks the Commission for an approval of such purchase and for permission to operate the franchises therefor pursuant to the provisions of section 53 of the Public Service Commissions Law. A hearing was duly had herein by the Commission in the city of Buffalo on the 29th day of January, 1916, after the due publication of notice thereof pursuant to law and the rules and practice of the Commission, at which hearing Messrs. Rebadow, Ladd and Brown of Buffalo appeared as attorneys for the petitioner herein; and on said hearing certain proofs and proceedings were taken and had whereby it satisfactorily appears that the petitioner is duly organized and incorporated for the purpose of maintaining and operating the railroad already built as a common carrier, and for many years owned and operated by the Buffalo and Susquehanna Railway Company, running from the village of Wellsville to the city of Buffalo, a distance of eighty-five miles, and traversing certain parts of the counties of Allegany, Wyoming, Cattaraugus, and Erie, in the State of New York; that the maps and profiles showing the location and route of said railroad were heretofore and prior to the 21st day of November, 1902, filed with the Board of Railroad Commissioners of the State of New York, the predecessor of this Commission, and which Board of Railroad Commissioners on the said 21st day of November, 1902, duly granted and issued to said Buffalo and Susquehanna Railway Company a certificate of public convenience and a necessity, together with the right to exercise the powers conferred by law upon such railroad corporation; that since the year 1902 the said railroad, property, and franchises have been continuously used, and a complete and regular system of train service over the entire line has been maintained without substantial interruption, and that the petitioner desires to continue the operation of said railroad and the business thereof as a common carrier; that in certain legal proceedings then pending in the Supreme Court of the State of New York for the foreclosure of a mortgage upon the said railroad and all its property, rights, and franchises, Harry I. Miller was duly appointed the Receiver thereof; and pursuant to the order and judgment of said Court and on the 13th day of December, 1913, the said Receiver, together with George D. Crofts, the Referee by said Court appointed for that purpose, conveyed, sold, assigned, and transferred to Susquehanna Finance Corporation, the purchaser on the foreclosure sale thereof, by a deed of conveyance dated that day, which has been recorded in the proper county clerk's offices, all of the real property, railroad and other property, all of its

equipments and appurtenances, and all other personal property, rights, privileges, and franchises which were owned and possessed by the said Buffalo and Susquehanna Railway Company or the said Receiver thereof, and also all rights of way, leases, and trackage rights of said railway company, with the exception however of a small portion of said railroad line lying north of the Erie Railroad crossing in the town of Hamburg, Erie county, which has been leased to the petitioner herein, the original of which deed was marked as an exhibit in this case at said hearing and a copy thereof is now on file with the papers in this case; that subsequently and on the 31st day of December, 1915, the said Susquehanna Finance Corporation, a domestic corporation duly organized under the laws of the State of New York, and the grantee named in said deed of conveyance above described, duly made, executed, and delivered to the petitioner herein, Wellsville and Buffalo Railroad Corporation, its deed of conveyance of all of said railroad, real property, personal property, equipments and appurtenances, rights, interests, franchises, rights of way, leases and trackage rights, and all other property and interests connected with or belonging to said railroad and then owned and possessed by the said Susquehanna Finance Corporation, whereupon the petitioner herein became the owner and possessor of the said railroad and all property, rights, franchises, and interests connected therewith, and that said deed has been duly recorded in the proper county clerks' offices; that the Supreme Court of the State of New York has duly confirmed the said sale so made by the Receiver and Referee as above set forth; that the financial statement of the petitioner attached to the petition herein shows that the petitioner is capitalized for \$850,000, consisting of 8500 shares of common stock at \$100 each, with no preferred stock, and that there are no outstanding bonds against the said corporation, but that an application is now pending before the Commission for authorization of an issue of bonds to the petitioner herein; that the conveyance above mentioned from the Susquehanna Finance Corporation to the petitioner was made subject to a mortgage upon the said railroad and all of its said property, rights, franchises, and interests made by the said Susquehanna Finance Corporation for the sum of \$440,000, which was a part of the purchase price thereof, and at the time of the said conveyance to the petitioner there was executed by the petitioner a mortgage bearing date December 31, 1915, for the sum of \$360,000, to secure a portion of the purchase price of said railroad property. And it being determined by the Commission that the operation of said railroad and the exercise of the franchises therefor are necessary and convenient for the public service, it is therefore

Ordered: That pursuant to the provisions of section 53 of the Public Service Commissions Law permission and approval are hereby given to the petitioner, Wellsville and Buffalo Railroad Corporation, to operate the said railroad under and pursuant to the certificate of public convenience and a necessity granted to the predecessor of the petitioner by the Board of Railroad Commissioners of the State of New York on the 21st day of November, 1902, and hereinbefore set forth; and permission and approval are hereby given to the petitioner for the exercise of all rights and privileges conferred by all of the franchises formerly possessed by the Buffalo and Susquehanna Railway Company in the operation of the said railroad between the village of Wellsville and the city of Buffalo, and which franchises have been conveyed to and are now owned by the petitioner, Wellsville and Buffalo Railroad Corporation, pursuant to the order and judgment of the Supreme Court of the State of New York.

[Case No. 5378]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of THE NEW YORK
CENTRAL RAILROAD COMPANY in regard to "New York
Central Railroad Equipment Trust of 1916".

The applicant corporation having under date of February 11, 1916, requested
permission to withdraw its petition herein,

Ordered: That such request be granted and this case is hereby closed upon
the records of the Commission.

[Case No. 5392]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of COLLIERS LIGHT, HEAT
AND POWER COMPANY under section 68 of the Public
Service Commissions Law for permission to construct
poles, wires, and appurtenances for electricity in the
West Oneonta lighting district in the town of
Oneonta, Otsego county, and for approval of the exer-
cise of rights and privileges under a franchise to use
highways and public places of the lighting district
received from the town board and superintendent of
highways.

The Colliers Light, Heat and Power Company made application to this
Commission on January 11, 1916, for permission to exercise a franchise
granted to it on December 4, 1915, by the town board of the Town of Oneonta
for that portion of the town known as West Oneonta. Notice of this appli-
cation was duly published in the Oneonta *Press*, the *Herald*, and the *Star*,
newspapers published in the city of Oneonta, and affidavits of publication
were filed with the Commission at or before the hearing. A hearing was
held at the office of the Commission in the city of Albany on February 9,
1916, at which time the petitioner was represented by its attorney, N. P.
Willis, esq., of Cooperstown, N. Y., and Mr. Charles L. Stone, its general
manager. No one appeared in opposition to the application. The Commis-
sion having determined that the construction of an electric plant in West
Oneonta, and the exercise of the franchise granted by the town board of said
town are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public
Service Commissions Law the permission and approval of this Commission
be and they hereby are given to the construction, maintenance, and opera-
tion of an electric plant and the transmission and distribution lines required

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for use in connection therewith by the Colliers Light, Heat and Power Company in that portion of the town of Oneonta known as West Oneonta, and to the exercise by said corporation of all the rights and privileges set forth in the franchise granted to it by the town board of the Town of Oneonta on December 4, 1915, subject to all the terms and conditions therein.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5326]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ALLEN P. BARTHOLOMEW under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Geneva, it being proposed that the route shall also be operated between the city of Geneva and the incorporated village of Penn Yan, Yates county.

Upon the facts found and for the reasons stated in the accompanying opinion, this Commission hereby certifies that public convenience and necessity require the operation by Allen P. Bartholomew of a motor vehicle or stage line or route as provided in the consent heretofore granted by the mayor and common council of the City of Geneva November 19, 1915, a copy whereof is attached to the petition herein. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Geneva and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto, and is not assignable without the consent of this Commission.

[Case No. 5376]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of JOHN J. NEIL under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Geneva, it being proposed that the route shall also be operated to Penn Yan.

Upon the facts found and for the reasons stated in the accompanying opinion, this Commission hereby certifies that public convenience and neces-

city require the operation by John J. Neil of a motor vehicle or stage line or route as provided in the consent heretofore granted by the mayor and common council of the City of Geneva November 19, 1915, a copy whereof is attached to the petition herein. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Geneva and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto, and is not assignable without the consent of this Commission.

[Case No. 5425]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the **POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY** for authority pursuant to the provisions of section 55 of the Public Service Commissions Law to hypothecate certain treasury bonds.

It appearing from the petition filed herein on the 10th day of February, 1916, that the applicant corporation was duly authorized by the Railroad Commission of the State of New York under its order of June 14, 1907, to execute a second mortgage dated July 1, 1907, upon its property, and that \$117,000 face value of 30-year 6 per cent second mortgage gold bonds secured thereby have been sold and are outstanding at this time, and that \$133,000 face value of bonds secured by said mortgage have been issued by the corporation to its treasurer as such, by whom said \$133,000 of bonds are now held as treasury assets. Now therefore it is

Ordered: That the petitioner, the Poughkeepsie City and Wappingers Falls Electric Railway Company, is hereby authorized to hypothecate and pledge \$60,000 face value of its aforesaid 30-year 6 per cent second mortgage gold bonds now held as treasury assets as aforesaid, to secure the payment of \$45,000 of bills payable detailed in schedule A annexed to the petition herein, or the renewals thereof; provided (a) that in no event and at no time shall the bonds which may have been as aforesaid hypothecated hereunder and which shall remain outstanding as collateral security for the payment of said bills payable or any part thereof exceed in amount at face value the equivalent of 133 $\frac{1}{3}$ per centum of the then unpaid amount of said bills payable, to secure the payment of which such bonds shall have been hypothecated; (b) that the company shall for each six months file, not more than fifteen days from the end of such period, a verified report showing the full particulars of any pledging of bonds pursuant to the foregoing authorization, and the facts as to such hypothecation shall be reported only so long as said bonds shall continue to be so pledged.

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[Case No. 774]

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

The New York Central Railroad Company and the Village of Bronxville by their respective representatives came before the Commission on January 28, 1916, upon the question as to the future maintenance and control of the stairways and ramps leading from existing or proposed sidewalks or station platforms to the sidewalk level in the proposed subway, at which time a verbal agreement was reached as to the liability with reference to such maintenance and control of the respective parties, said agreement in the opinion of the Commission providing for a proper and equitable adjustment of the matter. Therefore

Ordered: 1. That the Village of Bronxville shall retain title to the land occupied by the proposed stairway and upper landing thereof north of the proposed subway west of the railroad tracks, and shall accept the maintenance and control of said stairway and landing.

2. The railroad company shall convey and the Village of Bronxville shall accept title to the land occupied by the proposed stairway and upper landing thereof north of the proposed subway east of the railroad tracks, and the village shall accept the maintenance and control of said stairway and landing.

3. The railroad company shall retain title to the land occupied by the proposed ramps, one on each side of the railroad tracks and leading into the proposed subway from the south, and shall accept the maintenance and control of said ramps.

4. The railroad company shall convey and the Village of Bronxville shall accept an easement for a strip of land five (5) feet nine (9) inches wide on which there is to be built a sidewalk upon the west side of the railroad tracks immediately adjacent to and west of the ramp, and extending from the southerly end of the ramp northerly to the intersection of said strip with the parcel of land which is to be conveyed to the village by the railroad company for a southerly approach to the westerly highway bridge over the new undercrossing.

5. The railroad company shall convey and the Village of Bronxville shall accept an easement for a strip of land five (5) feet nine (9) inches wide on which there is to be built a sidewalk on the east side of the railroad tracks immediately adjacent to and east of the ramp, and extending from the southerly end of the ramp northerly to the intersection of said strip with the parcel of land which is to be conveyed to the village by the railroad company for the new undercrossing street, such intersection being at the south line of such new street.

6. Transfers of property herein provided are to be subject to the rights or easements by the respective parties hereto to place thereon retaining walls or other structures necessary or required for the support of the stairways, ramps, or landings.

[Case No. 4557]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF IONIA, Ontario county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to alleged proposed change in passenger train service.

On the 19th day of October, 1914, a new train schedule was put into effect by the respondent upon its local branch between Batavia and Canandaigua, which schedule eliminates from service trains Nos. 60 and 65, the former having left Batavia at 7:10 a. m., stopping at Ionia at 8:32, and arriving at Canandaigua at 9 a. m.: this is the train to which the complaint particularly relates; train No. 65 left Canandaigua under the old schedule at 9:45 a. m., stopping at Ionia at 10:10, and arriving at Batavia at 11:35 a. m.: such train No. 60 has always carried many school children from Ionia and other points along the line to Canandaigua, which practice must cease under the new train schedule because the first train arriving at Canandaigua from the east would be too late for school children. The complaint herein was filed with the Commission by C. R. White and H. R. Lay; the answer of the respondent was filed with the Commission October 19, 1914, and alleged that the reason for the removal of said trains was that the operation thereof had been for many years wholly unremunerative, and that the respondent claimed that the remaining train service along said line was entirely adequate for the needs of the traveling public. A hearing was held in this case by the Commission in the city of Rochester on the 6th day of July, 1915, at which hearing the said complainants, C. R. White and H. R. Lay of Ionia, appeared in person; and Messrs. Matson and Folger, of the firm of Harris, Beach, Harris and Matson of Rochester, appeared as the attorneys for the respondent; certain proofs and proceedings were had on said hearing whereby it satisfactorily appears that none of the passenger trains on said division are remunerative to the respondent and have been running at a great loss, and by the elimination of the two trains in question the whole expense of one train crew is saved to the respondent; there still remain as local service on said division two passenger trains each way: the first leaving Canandaigua at 6 a. m. and arriving at Batavia at 7:34 a. m.; the train turns around and leaves Batavia at 8:15 a. m. and arrives at Canandaigua at 9:50 a. m., after making a direct connection with train No. 58 from Buffalo, which also has a western Michigan Central connection; then at 4 o'clock in the afternoon the train leaves Canandaigua and arrives at Batavia at 5:45, leaving there at 6:21 and getting into Canandaigua at 7:55; some of such local service is the same as previously existed. This train service appears to be quite sufficient for a territory such as that through which this line passes. Although it is apparent that it would be very convenient, particularly for school children, to have a train at an early hour in the morning running to Canandaigua, it is hardly reasonable to expect the respondent to operate passenger trains for such limited purposes, especially as there are motor bus lines over state highways which connect some of the places along its line and furnish transportation to the people from place to place. At the close of the hearing it was understood that in case the complainants desired to press their claims herein or to negotiate any other change in the passenger train service of said line of railroad they would communicate with the officers of said railroad and the Commission, but it appears that since such hearing there has been

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no further complaint or communication from said complainants; and under all the circumstances in this case it does not appear that the respondent should be required to restore such train service or change the service of the present schedule. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, on condition however that if circumstances in the future appear to justify the reopening of the case the complainants may come to the Commission for that purpose.

[Case No. 4793]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of WILLIAM E. CARROLL and SAMUEL S. CARROLL *against* THE NEW YORK CENTRAL RAILROAD COMPANY respecting rates on fluxing stone between Clarence and points in the city of Buffalo, and between Clarence and North Tonawanda.

The complaint in this case was filed on February 11, 1915. Since that time the Commission has made numerous efforts to bring the case on for a hearing. Several postponements have been made at the request of the complainants, the Commission having been advised by them that the complaint was in process of adjustment; and the complainants for that reason apparently being disinclined to have a hearing, it is

Ordered: That the complaint be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 5138]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of WILLIAM B. GRAY under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of New Rochelle.

An order determining the several questions raised by the above entitled petition having been made on the 20th day of October, 1915, and a motion to reopen same in respect to applicant's proposed routes Nos. 3 and 5 having subsequently been made and granted; and the reopened case having come on for further hearings before the Commission, at which hearings additional

testimony was presented upon the question of the quality and sufficiency of the service that is now being given by The Westchester Electric Railroad Company upon its North Avenue and Winyah Avenue routes; and it appearing that at the time of the making of the present application and for a long time prior thereto no complaints had been lodged with or were pending before this Commission against said The Westchester Electric Railroad Company by reason of its North Avenue and Winyah Avenue service, but that the company has now agreed to give very careful consideration to the complaints which were presented at the hearing upon this application, and has already taken steps to materially improve its service upon its said routes by running cars more frequently and at more regular intervals than heretofore, in an endeavor to give a service in the future which will be adequate for the needs of that portion of the public which now patronizes the North Avenue and Winyah Avenue branches of The Westchester Electric Railroad Company; and the Commission being still of the opinion expressed in the memorandum accompanying its original order in this case, that it would be an improper exercise of power and discretion upon its part and one which might ultimately work injury to the public for this Commission to grant a certificate of convenience and necessity for applicant's proposed routes Nos. 3 and 5 until it shall appear more definitely than it does at present that The Westchester Electric Railroad Company is unwilling or unable to supply suitable transportation service to the people in these localities; and being of the opinion, further, that the interest of the public will for the present at least be better promoted by affording the existing street railway a reasonable opportunity to demonstrate its ability to give adequate service on North and Winyah avenues than it would be by immediately authorizing the establishment of such competitive conditions upon these routes as in the end might prove ruinous to both competitors, and therefore injurious to the public at large; it is hereby

Ordered: That the petition of William B. Gray for a certificate of convenience and necessity for his proposed routes Nos. 3 and 5 be and the same hereby is denied, and that the case be closed upon the records of the Commission, with leave to the petitioner however to move to reopen same and to renew his application for a certificate for the routes mentioned in case it shall subsequently appear that the service given upon the said North Avenue and Winyah Avenue branches of The Westchester Electric Railroad Company is inadequate for the needs of the neighborhoods which are dependent upon such service, and that the said company is unwilling or unable to maintain a proper service upon the routes aforesaid.

[Case No. 5277]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ABRAM HOFFMAN to compel the South Shore Natural Gas and Fuel Company to make a connection between a service pipe and a gas main, and to supply gas.

A petition was duly filed with the Commission by Abram Hoffman, asking that the Commission require the respondent, South Shore Natural Gas and Fuel Company, to make connection between the private installation of pipes

on the premises of the petitioner and the gas main of the respondent, and supply the petitioner with gas for the purpose of light and fuel; and the respondent having on the 2nd day of December, 1915, duly filed its answer to said petition, by which among other things the respondent alleged that the private service pipe of a customer should be laid by and under the direction of the respondent, and that the connection prayed for would not be made for that reason. And a hearing herein having been duly held by the Commission in the city of Buffalo on the 17th day of December, 1915, at which hearing Mr. Judson S. Rumsey, of the firm of Rumsey and Adams of Buffalo, appeared as attorney for the petitioner; and Mr. George Clinton, of the firm of Clinton, Clinton and Striker of Buffalo, appeared for the respondent; and certain proofs and proceedings were thereupon taken and had whereby it satisfactorily appears to the Commission that the petitioner has a summer home located on the shore of Lake Erie near the village of Farnham, and that the gas main of the respondent is laid along the highway in front of the premises of the petitioner; that the petitioner has laid and installed his own private service pipe from his house to the said highway, and placed a meter at the end of said service pipe in a safe and convenient place located in a large stone post; that the respondent refused to make the connection at said meter because it was its uniform custom to install and thoroughly inspect the service pipes of its customers so that the company could be assured of the safety of all such appliances. It also appeared that such practice was followed because such service pipes led to the buildings of customers where the meter was usually placed. Finally, it was agreed between the parties that the respondent should have the privilege of testing such private piping, although it was conceded that the responsibility of the company does not go beyond the meter. Such inspection has been made, and the company is now ready to make the connection asked for by the petitioner; and by a communication dated February 11, 1916, from Judson S. Rumsey, attorney for the petitioner, it appears that this matter has been satisfactorily adjusted. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5289]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission. Second district, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THEODORE J. WILSON and WESLEY J. SCOTT under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Fulton, it being proposed that the route shall also be operated from Fulton to the incorporated village of Hannibal, Oswego county.

A petition having heretofore been duly filed with the Commission by Theodore J. Wilson and Wesley J. Scott, copartners, residing in the city of Fulton, asking for a certificate of convenience and necessity for the operation of a motor vehicle or stage line or route as set out in said petition, and particularly mentioned and described in the consent therefor given by the mayor and common council of said city, and which consent is attached to said petition and filed with the papers in this case. And a hearing having

been duly held herein by the Commission in the city of Syracuse on the 7th day of February, 1916, pursuant to a notice duly given and published as required by the rules of the Commission; and the said petitioners having duly appeared at said hearing in person and by Mr. Herbert J. Fanning, of the firm of Fanning and Fanning of Fulton, as attorney, and no one appearing in opposition thereto; and such proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the motor bus line which is herein proposed by the petitioners runs from a central point in the city of Fulton at the corner of Cayuga and Second streets, and continues thence westerly along Cayuga street to South First street, thence northerly along South First street to Oneida street, thence westerly along Oneida street and the Oneida Street River bridge to Schenck street, thence westerly along Schenck street to West First street, thence northerly along West First street to Hannibal street, and thence westerly along Hannibal street to the city line of Fulton, and thence along an improved state highway to the village of Hannibal; passing through Granby Center, where there are about fifty residents; Dexterville, where there are about thirty residents; Fairdale, where there are about fifty residents; and thence to Hannibal, where there are about five hundred residents. The city of Fulton is the trade and business center for all the territory covered by this route and has a population of about twelve thousand; the residents along the route are desirous of having this auto bus line established for their convenience in going to and from the city of Fulton. Therefore this Commission hereby certifies that public convenience and necessity require the operation by Theodore J. Wilson and Wesley J. Scott, the petitioners in this proceeding, of a motor vehicle or stage line or route as provided in the said consent heretofore granted by the mayor and common council of the City of Fulton on the 22nd day of October, 1915, and filed with the papers in this case as aforesaid. This certificate is granted subject to all the terms and conditions of the said consent above mentioned, and subject to all present and future ordinances of the City of Fulton and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto, and is not assignable without the consent of this Commission. The said certificate is granted subject to the further express condition in accordance with an allegation contained in said petition, that the said petitioners shall not carry any passengers in said motor vehicle or auto bus from one point to another within the city of Fulton, but that the said motor vehicle or stage line or route shall be operated by the petitioners for through passengers only from any point within the city of Fulton to points outside of said city, and from points outside of said city to any point within the same.

[Case No. 5342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second district, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD. Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of INTERNATIONAL RAILWAY COMPANY as to proposed extension of its railroad between Buffalo and Niagara Falls crossing certain streets and highways, and as to said extension crossing railroads; also as to certain franchises.

Order approving agreement with The New York Central Railroad Company.

In the above entitled matter the order of this Commission of January 13, 1916, providing in paragraphs numbered 1 and 2 that an agreement between

the International Railway Company and The New York Central Railroad Company regarding the two proposed overhead bridge crossings referred to in said order should be submitted to this Commission for approval; and a copy of such an agreement signed by both companies and dated January 4, 1916, having been submitted to the Commission, and a report having been made by the engineer of grade crossings of this Commission with reference thereto, a copy of which report is on file as a part of the record in this case, it is

Ordered: That said agreement between the International Railway Company and The New York Central Railroad Company dated January 4, 1916, relating to said two overhead bridge crossings, be and the same hereby is approved.

[Case No. 5351]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second district, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TRI-COUNTY NATURAL GAS COMPANY under section 69 of the Public Service Commissions Law for authority to issue a first mortgage for \$25,000 and ten notes to be secured thereby.

Petition filed December 17, 1915; copy of proposed mortgage filed December 17, 1915; certified copy of articles of incorporation filed December 30, 1915; report of division of capitalization dated February 8, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Tri-County Natural Gas Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the Livingston County Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 16th day of December, 1915, to secure an issue of first mortgage ten-year secured notes, bearing interest at the rate of 6 per cent payable on the 15th days of April and October in each year, to the aggregate amount of \$25,000, a copy of which has been filed with this Commission herein, and that the form of such indenture so filed is hereby approved.

2. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy of the mortgage in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by this Commission.

3. That the Tri-County Natural Gas Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commission Law, to issue \$25,000 face value of its 6 per cent ten-year first mortgage secured notes under the aforesaid mortgage.

4. That the said notes of a total face value of \$25,000 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$25,000.

5. That said notes of the face value of \$25,000 so authorized, or the proceeds thereof to the amount of \$25,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of bills payable as detailed in schedule A attached to the petition herein or the renewals thereof.....	\$8,400.00
(b) For the refunding of accounts payable as detailed in schedule A attached to the petition herein or the renewals thereof.....	1,384.97
(c) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the calendar years 1911 to 1913 inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness	2,636.83
(d) For the purchase of pipe and construction of additions to plant and facilities as detailed in schedule D attached to the petition herein	13,807.00
	<hr/>
	\$26,178.80

Amount unprovided for \$1,178.80

In so far as the same may be applicable, provided (1) that such notes or the proceeds thereof shall be applied on such new construction summarized in subdivision (d) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Gas Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company, or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in schedule D of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Gas Corporations.

6. That if the said notes of a total face value of \$25,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$25,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Tri-County Natural Gas Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Tri-County Natural Gas Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of the said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

9. That the Tri-County Natural Gas Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

10. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5354]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second district, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CITY OF MIDDLETOWN, by Roslyn M. Cox, Mayor, *against* ERIE RAILROAD COMPANY and the WALLKILL TRANSIT COMPANY as to the maintenance of a bridge carrying Oliver street and the electric railroad over the Erie railroad.

All of the parties in the above entitled matter having appeared before the Commission pursuant to its order to show cause, and the Commission having determined after due deliberation that it can not at this time grant the relief asked for by the City of Middletown for the reasons set forth in the accompanying opinion, it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission, with the right to any of the parties to this proceeding to move to reopen the case if satisfied that the Commission has the power to grant the relief requested in the complaint heretofore filed in this proceeding and the same is not otherwise obtained.

[Case No. 5365]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Petition under section 53 of the Public Service Commissions Law of NEW YORK STATE RAILWAYS for permission to construct extensions of its electric railroad in the incorporated village of Yorkville, Oneida county, and for approval of the exercise of a franchise therefor received from the president and trustees of said village; and under section 54 of the Public Service Commissions Law as to transfer of the franchise to the Utica, Clinton and Binghamton Railroad Company; and under section 148 of the Railroad Law.

On December 28, 1915, the New York State Railways made application to this Commission for permission to exercise a franchise granted to it by the Village of Yorkville, N. Y., for the construction, maintenance, and operation of a single-track extension of its railroad on Whitesboro street in said village south of the Erie Canal, and also on a portion of the same street lying on the north side of the Erie Canal; also for permission to assign said franchise to the Utica, Clinton and Binghamton Railroad Company upon condition that said franchise shall be included in the lease by the Utica, Clinton and Binghamton Railroad Company to the Utica Belt Line Street Railroad Company, one of the predecessors of the New York State Railways, which lease is dated December 1, 1886, with the same force and effect as if the same had been included specifically in said lease. A hearing was held at the office of the Commission in the city of Albany on February 18, 1916, pursuant to notice which was published in the *Utica Daily Press*, the *Utica Herald Dispatch*, and the *Utica Observer*, and proof of such publication was duly filed with the Commission. The petitioner appeared by G. H. Brown, its attorney. No one appeared in opposition to said application. From the evidence produced at the hearing it appeared that the exercise of this franchise is required for the purpose of enabling the petitioner to re-locate its tracks over the Erie Canal in the village of Yorkville and in the city of Utica, such change being made necessary by the barge canal improvements at that place. The construction of the tracks upon the new route will materially improve the crossing over the canal and eliminate a curve in the lines of the petitioner extending from Utica to Whitesboro; that portion of the track thus eliminated will be of no further use to the petitioner and will be taken up. After due deliberation, the Commission having determined that the construction of such extension and the exercise of the franchise granted by the Village of Yorkville are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the New York State Railways to construct, maintain, and operate a single-track extension of its street surface railroad along and upon Whitesboro street in the village of Yorkville, and to exercise the franchise granted to it by the board of trustees of the Village of Yorkville on the 20th day of September, 1915, subject to all the terms and conditions therein set forth.

2. That pursuant to the provisions of section 54 of the Public Service Commissions Law and section 148 of the Railroad Law the permission and approval of this Commission be and they hereby are given to the transfer by the New York State Railways to the Utica, Clinton and Binghamton Railroad Company of the franchise granted to said New York State Railways by the board of trustees of the Village of Yorkville on September 20, 1915, and to the lease and transfer of any extension of the road of said New York State Railways constructed pursuant to the authority granted by said franchise; on condition however that said franchise shall be included in the lease given by the Utica, Clinton and Binghamton Railroad Company to the Utica Belt Line Street Railroad Company, one of the predecessors of said New York State Railways, said lease being dated December 1, 1886, with the same force and effect as if said franchise had been included specifically in said lease

3. That the New York State Railways notify this Commission in writing within ten days after said franchise and property are transferred to the Utica, Clinton and Binghamton Railroad Company.

[Case No. 5366]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Petition under section 53 of the Public Service Commissions Law of NEW YORK STATE RAILWAYS for permission to construct extensions of its electric railroad in the city of Utica. and for approval of the exercise of a franchise therefor received from the city; and under section 54 of the Public Service Commissions Law as to transfer of the franchise to the Utica, Clinton and Binghamton Railroad Company; and under section 148 of the Railroad Law.

On December 28, 1915, the New York State Railways made application to this Commission for permission to exercise a franchise granted to it by the common council of the City of Utica for the construction, maintenance, and operation of a single-track extension of its railroad on Whitesboro street in said city south of the Erie Canal, and also on a portion of the same street lying on the north side of the Erie Canal; also for permission to assign said franchise to the Utica, Clinton and Binghamton Railroad Company upon condition that said franchise shall be included in the lease by the Utica, Clinton and Binghamton Railroad Company to the Utica Belt Line Street Railroad Company, one of the predecessors of the New York State Railways, which lease is dated December 1, 1886, with the same force and effect as if the same had been included specifically in said lease. A hearing was held at the office of the Commission in the city of Albany on February 18, 1916, pursuant to notice which was published in the *Utica Daily Press*, the *Utica Herald Dispatch*, and the *Utica Observer*, and proof of such publication was duly filed with the Commission. The petitioner appeared by G. H. Brown, its attorney. No one appeared in opposition to said application. From the evidence produced at the hearing it appeared that the exercise of this franchise is required for the purpose of enabling the petitioner to re-locate its tracks over the Erie Canal in the city of

Utica and in the village of Yorkville, such change being made necessary by the barge canal improvements at that place. The construction of the tracks upon the new route will materially improve the crossing over the canal and eliminate a curve in the lines of the petitioner extending from Utica to Whitesboro; that portion of the track thus eliminated will be of no further use to the petitioner and will be taken up. After due deliberation, the Commission having determined that the construction of such extension and the exercise of the franchise granted by the common council of the City of Utica are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the New York State Railways to construct, maintain, and operate a single-track extension of its street surface railroad along and upon Whitesboro street in the city of Utica, and to exercise the franchise granted to it by the common council of the City of Utica on September 1, 1915, subject to all the terms and conditions therein set forth.

2. That pursuant to the provisions of section 54 of the Public Service Commissions Law and section 148 of the Railroad Law the permission and approval of this Commission be and they hereby are given to the transfer by the New York State Railways to the Utica, Clinton and Binghamton Railroad Company of the franchise granted to said New York State Railways by the common council of the City of Utica on September 1, 1915, and to the lease and transfer of any extension of the road of said New York State Railways constructed pursuant to the authority granted by said franchise; on condition however that said franchise shall be included in the lease given by the Utica, Clinton and Binghamton Railroad Company to the Utica Belt Line Street Railroad Company, one of the predecessors of said New York State Railways, said lease being dated December 1, 1886, with the same force and effect as if said franchise had been included specifically in said lease.

3. That the New York State Railways notify this Commission in writing within ten days after said franchise and property are transferred to the Utica, Clinton and Binghamton Railroad Company.

[Case No. 5387]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of PUBLIC SERVICE CORPORATION OF LONG ISLAND under section 68 of the Public Service Commissions Law for permission to construct a gas plant, lay gas mains and appurtenances in the incorporated village of Floral Park, L. I., and for approval of the exercise of rights and privileges under a franchise therefor received from the village.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by the Public Service Corporation of Long Island for permission to construct a gas plant and to lay gas mains and appurtenances in the incorporated village of Floral Park, Long Island, and for approval of the exercise of rights and privileges under a franchise therefor received from the village; and public notice of the pendency of said

petition having been published in newspapers in the vicinity; and a public hearing on said petition after due notice having been held at the New York office of the Commission in the Metropolitan Tower, on Friday, February 11, 1916, Randall J. LeBoeuf of Albany, N. Y., appearing for the petitioner; and Messrs. W. Royden Klein, I. W. Hommel, and others appeared for the Floral Park Board of Trade; and it having been agreed upon the record at the said hearing on behalf of the petitioner that no gas making apparatus or gas holder would be constructed within the limits of the village of Floral Park without further permission from this Commission after a new application for that purpose, the petitioner having stated it to be its desire at the present time merely to secure permission for the laying of gas mains and services within the village of Floral Park, and having disclaimed any intention to install gas making apparatus or a gas holder within the village limits; and the representatives of the Floral Park Board of Trade having expressed themselves as satisfied with the making of such an order as is asked for at this time, provided such order shall contain no permission to install gas making apparatus or a gas holder within the village limits, it is hereby

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by the Public Service Corporation of Long Island in the village of Floral Park of a gas plant, including mains, services, and other appurtenances, but not including gas making apparatus or a gas holder, for transmitting and furnishing gas to the public; and hereby permits and approves the exercise by said Public Service Corporation of Long Island of rights and privileges under a franchise to use the streets, mains, alleys, highways, squares, and public places of said village for its said mains, services, and appurtenances, granted to the said company by the board of trustees of said village on or about the 22nd day of September, 1915.

2. That this order is not intended to and shall not be construed to authorize the installation of gas making apparatus or a gas holder within the limits of the village of Floral Park, or any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall first have been duly given by the State Commission of Highways.

[Case No. 5401]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the BUFFALO GENERAL ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for permission to issue its first refunding mortgage 5 per cent gold bonds at 97, to an amount which will reimburse its treasury for \$1,218,557.27.

Petition filed January 28, 1916; report of division of capitalization dated February 24, 1916. The petition of the Buffalo General Electric Company herein is for authority to issue sufficient of its 5 per cent thirty-year first refunding mortgage gold bonds at not less than 97 per cent of their face value to produce net proceeds of \$1,218,557.27, to be used to reimburse its treasury for expenditures from income made by The Cataract Power and Conduit Company, a constituent corporation. Under dates of December 30, 1914,

and March 15, 1915, in cases Nos. 2699, 4050, and 4749, the Commission authorized said The Cataract Power and Conduit Company to issue and sell at not less than 95½ per cent of their face value, \$616,000 face value of its 5 per cent 30-year first mortgage bonds, and \$658,000 face value of its 5 per cent not less than fifteen-year debentures, to realize net proceeds of \$1,216,700, and to apply such proceeds toward the reimbursement of its treasury for expenditures from income prior to December 31, 1914, to the amount of \$1,107,414.51, and for payment of debt amounting to \$111,142.76. According to the verified reports made by the Cataract company in the above referred to cases, none of the securities authorized therein were issued up to April 15, 1915, at which date a petition was filed (case No. 4911) by the Buffalo General Electric Company asking for authority to acquire the entire outstanding capital stock of The Cataract Power and Conduit Company, and for permission to merge said company into itself. By order therein dated June 24, 1915, said application was granted, ordering clause 16 thereof reading as follows: "(16) That The Cataract Power and Conduit Company shall not issue any of the securities authorized in the two orders of this Commission dated December 30, 1914, in cases Nos. 2699 and 4050, respectively, and in the order dated March 15, 1915, in case No. 4749, but the Buffalo General Electric Company may apply to the Commission upon the record in each of said cases for permission to issue its securities of an equal par value in lieu of the securities of The Cataract Power and Conduit Company therein set forth for the purposes enumerated in each of the aforesaid orders." Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo General Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$1,256,000 face value of its 5 per cent 30-year first refunding mortgage gold bonds under a certain indenture given to the Knickerbocker Trust Company, trustee (Columbia Trust Company, successor), dated the 1st day of April, 1909, to secure an authorized issue of a total face value of \$10,000,000.

2. That said bonds of the total face value of \$1,256,000 shall be sold for not less than 97 per cent of their face value and accrued interest, to give net proceeds of \$1,218,320.

3. That said bonds of the face value of \$1,256,000 so authorized, or the proceeds thereof to the amount of \$1,218,320, shall be used solely and exclusively for the following purposes:

(a) Reimbursement of the treasury of the petitioner for moneys actually expended from income or from other moneys in the treasury of The Cataract Power and Conduit Company, a constituent corporation of the petitioner, which were not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation, for the acquisition of assets during the following periods:

Prior to January 1, 1912.....	\$552, 876.15
Calendar year 1912	211, 845.46
Calendar years 1913 and 1914.....	342, 692.90

\$1, 107, 414.51

(b) To fund accounts payable as shown in condensed balance sheet of said The Cataract Power and Conduit Company at December 31, 1914, or the renewals thereof to the extent of...

111, 142.76

\$1, 218, 557.27

Amount unprovided for \$237.27

4. That if the said bonds of a total face value of \$1,256,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,218,557.27, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo General Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Buffalo General Electric Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (e) the amount expended of the proceeds for the purposes specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

7. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5402]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CLIFF ELECTRICAL DISTRIBUTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$100,000 common capital stock.

Petition filed January 29, 1916; report of electrical engineer dated February 15, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Cliff Electrical Distributing Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$100,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

2. That said stock of the par value of \$100,000 so authorized, or the proceeds thereof to the amount of \$100,000, shall be used solely and exclusively for the following purposes:

(a) For the construction of a transmission line to the plant of the Hooker Electro Chemical Company in the city of Niagara Falls, including the installation of necessary conduit, etc., through the thoroughfares enumerated in the petition, as follows:

(1) Bridge over Gill Creek.....	\$812.00
(2) 37 manholes (outside measurements) 9 x 8 x 7 at \$150	5,500.00
(3) 133 sq. yds. pavement at \$2.....	266.00

(4) 250 cu. yds. (estimated) of rock at \$4.....	\$1,000.00	
(5) 10,210 lin. ft. of 6 duct conduit at \$1.89.....	19,194.80	
(6) 1,100 lin. ft. of 4 duct conduit at \$1.50.....	1,650.00	
(7) 85,000 ft. of 250,000 c. m. cable at \$1.08.....	97,800.00	
(8) 525 ft. of 400,000 c. m. cable at \$1.79.....	939.75	
(9) Cost of installing above cable.....	3,552.50	
		\$70,215.05
(b) To enlarge the capacity of 4 alternators in the petitioner's sub-station No. 3 from 6500 kw. a. to 8000 kw. a.....		30,000.00
		<u>\$100,215.05</u>

Amount unprovided for \$215.05

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivision (a) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company, or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

3. That if the said stock of a total par value of \$100,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$100,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

4. That the Cliff Electrical Distributing Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

5. That the Cliff Electrical Distributing Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform

System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

6. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5403]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of COLLIERS LIGHT, HEAT AND POWER COMPANY under section 68 Public Service Commissions Law for permission to construct poles, wires, and appurtenances for electricity in the incorporated village of Laurens, Otsego county, and for approval of the exercise of rights and privileges under a franchise to use all of the streets and public places of the village therefor, received from said village.

The Colliers Light, Heat and Power Company made application to this Commission on January 29, 1916, for permission to exercise a franchise granted to it on January 12, 1916, by the board of trustees of the Village of Laurens, Otsego county. Notice of this application was duly published in the *Oneonta Press*, the *Herald*, and the *Star*, newspapers published in the city of Oneonta, and affidavits of publication were filed with the Commission at or before the hearing. A hearing was held at the office of the Commission in the city of Albany on February 18, 1916, at which time the petitioner was represented by C. S. Stanton, its superintendent, and the Village of Laurens appeared in favor of the application by Franklin C. Keyes, village attorney. No one appeared in opposition to the application. The Commission having determined that the construction of an electric plant in the village of Laurens, Otsego county, and the exercise of the franchise granted by the board of trustees of said village are necessary and convenient for the public service, it is

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the construction, maintenance, and operation of an electric plant and the transmission and distribution lines required for use in connection therewith by the Colliers Light, Heat and Power Company in the village of Laurens, Otsego county, and to the exercise by said corporation of all the rights and privileges set forth in the franchise granted to it by the board of trustees of the Village of Laurens on January 12, 1916, subject to all the terms and conditions therein.

[Case No. 5422]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SCHENECTADY RAILWAY COMPANY under subdivision 10 section 8 of the Railroad Law and section 55 of the Public Service Commissions Law for consent to execute and deliver a new first mortgage for \$20,000,000, and authority to issue now \$2,256,000 bonds to be secured by said mortgage.

Petition filed February 11, 1916; affidavits of three directors filed February 15, 1916; copy of first mortgage dated September 1, 1901, filed February 17, 1916; revised proof of February 16, 1916, of proposed mortgage filed February 17, 1916; hearing held February 18, 1916; report of division of capitalization dated February 18, 1916; final proof of February 23, 1916, of proposed mortgage filed February 23, 1916; certified copy of resolution of board of directors authorizing execution of proposed mortgage filed February 23, 1916; consent of stockholders to the execution of said mortgage, and certified copies of resolutions of The Delaware and Hudson Company and the New York State Railways authorizing execution by those companies of such consent filed February 23, 1916; certified copy of resolution of board of directors approving of application made to the Commission, filed February 23, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Schenectady Railway Company is hereby authorized, pursuant to the provision of section 55 of the Public Service Commissions Law, to execute and deliver to the United States Mortgage and Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of March, 1916, to secure an issue of first mortgage 30-year gold bonds to the aggregate amount of \$20,000,000 face value: the first \$5,000,000 face value of which to be designated Series A and to bear interest at the rate of 5 per cent per annum, payable semiannually on the first days of March and September in each year; and the remainder of bonds to the aggregate amount of \$15,000,000 face value to be issued in such series and in such amounts as may hereafter be determined upon by the board of directors of the company, and to bear interest at the rate of not exceeding 6 per cent per annum, payable semiannually on the first days of March and September in each year; a copy of which marked "Final Revise, February 23, 1916," has been filed with the Commission herein; and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the mortgage in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by the Commission.

3. That the Schenectady Railway Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$2,256,000 face value of its 5 per cent 30-year first mortgage bonds under the aforesaid mortgage

4. That said bonds of the total face value of \$2,256,000 shall be sold for not less than 97½ per cent of their face value and accrued interest, to give net proceeds of \$2,199,600.

5. That said bonds of the face value of \$2,256,000 so authorized, or the proceeds thereof to the amount of \$2,199,600, shall be used solely and exclusively to take up and retire \$2,000,000 face value of its outstanding 4½ per cent first mortgage bonds which have been called for payment on March 1, 1916, at 110 per cent of face value and accrued interest, \$2,200,000: amount unprovided for, \$400.

6. That the Schenectady Railway Company shall charge the premium which it pays in reacquiring the \$2,000,000 of its outstanding 4½ per cent first mortgage bonds to a debit suspense account entitled "Premium on Reacquired 4½ per cent Mortgage Bonds," which account it shall amortize by annual credits thereto and charges to the prescribed account "Other Contractual Deductions from Income," according to a schedule the uniform application of which during the life of the 30-year mortgage herein authorized will completely amortize or wipe out all charges to this account; provided however that such amortization may at the option of the corporation be earlier effected by charging all or any portion of such premium to account 939, "Other Deductions from Surplus," immediately upon the expenditure therefor or thereafter.

7. That if the said bonds of a total face value of \$2,256,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$2,200,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Schenectady Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Schenectady Railway Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purposes specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or the proceeds thereof expended the report shall set forth such fact.

10. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such expenditures are not in whole or in part reasonably chargeable to operating expenses or to income except those incurred for the premium on the first mortgage 4½ per cent bonds which are properly chargeable to income as herein required.

[Case No. 5432]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CATSKILL MOUNTAIN TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue *nunc pro tunc* August 1, 1912, a first mortgage for \$10,000, and \$9500 twenty-year 5 per cent bonds secured by said mortgage.

Petition filed February 16, 1916. Now therefore, upon the foregoing record.

Ordered as follows: 1. That pursuant to the provisions of section 101 of the Public Service Commissions Law the execution by the Catskill Mountain Telephone Company of a certain indenture, deed of trust, or mortgage upon all its plant and property dated August 1, 1912, which was given to Benjamin I. Tallmadge, trustee, to secure an authorized issue of a total face value of \$10,000 twenty-year 5 per cent gold bonds, is hereby authorized *nunc pro tunc*.

2. That pursuant to the provisions of section 101 of the Public Service Commissions Law the issuance on August 1, 1912, by the Catskill Mountain Telephone Company of \$9500 face value of its 5 per cent twenty-year first mortgage gold bonds under the aforesaid mortgage, and the exchange thereof on the basis of face value for face value for a like amount of outstanding bonds issued upon the security of a mortgage dated August 1, 1902, given to Benjamin I. Tallmadge, trustee, is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the securities authorized herein was reasonably required for the purposes specified in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5440]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to issue \$490,000 in 4½ per cent equipment notes, and to execute an agreement in regard thereto and in regard to the equipment with the Bankers Trust Company of New York City.

Petition filed February 21, 1916; report of division of steam railroads dated February 22, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the New York, Ontario and Western Railway Company is hereby authorized, pursuant to the provisions of section 55 of

the Public Service Commissions Law, to execute and deliver a certain agreement and lease of equipment with the Bankers Trust Company, trustee, to secure an issue of \$490,000 face value of equipment notes to be dated April 1, 1916, and known as Series D, bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of October and April in each year, \$35,000 face value of which notes mature on the first days of October and April of each year beginning October 1, 1916, and ending April 1, 1923; a copy of which agreement and lease is attached to the petition herein as schedule A; and the form of such agreement and lease is hereby approved.

2. That upon the execution and delivery of said agreement and lease of equipment herein authorized there shall be filed with this Commission a verified copy thereof in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the agreement and lease as executed is the same as herein approved by this Commission.

3. That said equipment notes of a total face value of \$490,000 shall be sold at not less than 99 per cent of their face value and accrued interest, to give net proceeds of \$485,100.

4. That said equipment notes herein authorized of a total face value of \$490,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 400 50-ton steel coal cars; 100 steel underframe 40-ton low side gondola cars: estimated cost of equipment which is to be covered by lease \$570,000; amount to be provided through cash payment by petitioner \$80,000; face value of securities herein authorized \$490,000: \$570,000.

5. That if the said notes of a total face value of \$490,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$490,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the New York, Ontario and Western Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the New York, Ontario and Western Railway Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of February, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE.
JAMES O. CARR,
Commissioners.

In the matter of the Application of FRANK SULLIVAN SMITH, as Receiver of The Pittsburg, Shawmut and Northern Railroad Company, for authority pursuant to the provisions of section 55 of the Public Service Commissions Law to issue \$875,000 aggregate face value of certificates of indebtedness to be dated March 1, 1916.

By petition filed herein the 23rd day of February, 1916, The Pittsburg, Shawmut and Northern Railroad Company, by its duly appointed Receiver, Frank Sullivan Smith, prays for authority to issue its 6 per cent two-year certificates of indebtedness to the aggregate amount of \$875,000 face value, to be used for refunding, by exchange at face value, of a like amount of certificates of the petition bearing interest at the rate of 5 per cent per annum which mature March 1, 1916. The issuance of these securities has been authorized by the Supreme Court of the State of New York, and the District Court of the United States for the Western District of Pennsylvania, by orders dated February 21 and 24, 1916, respectively, copies of which are attached to the petition herein as exhibits I and J. Now therefore, upon the foregoing record,

Ordered as follows: 1. That Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue his certificates of indebtedness to the aggregate amount of \$875,000 face value, bearing interest at the rate of 6 per cent per annum, to be dated March 1, 1916, maturing on or before March 1, 1918.

2. That said certificates of indebtedness of the total face value of \$875,000 shall be used solely and exclusively for the purpose of exchange at face value for certificates of indebtedness of like amount maturing March 1, 1916.

3. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, without an express order of this Commission.

4. That Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what certificates have been exchanged or otherwise disposed of during such period in accordance with the authority contained herein and the date of such exchange or disposition; (b) with whom such certificates were exchanged; (c) amount and description of certificates which have been received in exchange; (d) any other terms and conditions of such exchange. Such reports shall continue to be filed until all of said certificates shall have been exchanged in accordance with the authority contained herein, and if during any period no certificates were exchanged the report shall set forth such fact.

5. That the petitioner herein shall within thirty days of the service of this order advise this Commission whether or not he accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the issue of said certificates herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, February, 1916.

No. 5814; January 27, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than ten days' notice nor effective earlier than February 23, 1916, a local freight tariff on Logs, in carloads, minimum weight sixty thousand pounds, to supersede and cancel freight tariff P. S. C., 2 N. Y., N. Y. C. Nos. 1409 and 2508, and reissue the matter contained in P. S. C., 2 N. Y., N. Y. C. No. 2508 without change except to establish rate from Corning, N. Y., to Penn Yan, N. Y., of sixty-three cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission ten days prior to February 23, 1916.

Completed by P. S. C. N. Y. C. No. 2540, effective February 23, 1916.

No. 5815; January 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of sixty cents per ton of two thousand pounds on Ice, carloads, minimum weight sixty thousand pounds, from Cayuga, N. Y., to Churchville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 16 to P. S. C. N. Y. C. No. 65, effective February 7, 1916.

No. 5816; January 31, 1916; E. Morris, Agent:

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) and The New York, Chicago and St. Louis Railroad Company, or their duly authorized agents, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements amending freight schedules issued by E. Morris, Agent, as P. S. C., 2 N. Y., No. 22; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) as P. S. C., 2 N. Y., Nos. 507 (L. S. & M. S. series) and 205 (D., A. V. & P. series); and The New York, Chicago and St. Louis Railroad Company as P. S. C., 2 N. Y., Nos. 443, 482, and 528, for the purpose of further postponing, as to New York state traffic, from February 13, 1916, until March 15, 1916, the taking effect of items operating to increase rates or charges on packing house products, provisions, and meats, which items are now under postponement until February 13, 1916. This permission is void unless the schedules issued thereunder are filed with the Commission on or before February 13, 1916.

Completed by the filing of proper supplements to above numbered tariffs.

No. 5817; February 2, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff G. O., P. S. C., 2 N. Y., No. 798,

and therein establish, on not less than one day's notice, a rate of seventy-five cents per ton of two thousand pounds on Ice, in carloads, from Lime Lake, N. Y., over its line via Buffalo, N. Y., and the New York Central railroad to LaSalle, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 32 to G. O., P. S. C. No. 798, effective February 8, 1916.

No. 5818; February 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, and therein establish, on not less than one day's notice, a rate of forty-two cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Malone, N. Y., to Constable, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 17 to P. S. C. N. Y. C. No. 65, effective February 11, 1916.

No. 5819; February 7, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than ten days' notice and under an effective date not earlier than February 29, 1916, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2519, for the purpose of correcting error by eliminating Dunwoodie, N. Y., Bryn Mawr Park, N. Y., and Nepperhan, N. Y., as points of origin. This permission is void unless the schedule issued thereunder is filed with the Commission at least ten days prior to February 29, 1916.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2519, effective February 29, 1916.

No. 5820; February 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

This special permission not used.

No. 5821; February 9, 1916; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of eighty-four cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Fallsburgh, N. Y., to Firthcliffe, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by P. S. C. No. 3254, effective February 14, 1916.

No. 5822; February 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and an effective date not earlier than March 1, 1916, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1917, for the purpose of correcting errors in supplement No. 17 as follows: Page 2, show

Pumps, Hand, Iron, as taking rates as per Group 66 instead of Group 65; page 5, substitute Group 66 for Group 65. This permission is void unless the schedule issued thereunder is filed with the Commission at least five days prior to March 1, 1916.

Completed by supplement No. 18 to P. S. C. N. Y. C. No. 1917, effective March 1, 1916.

No. 5823; February 10, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, on Pulp Wood, carloads, minimum twelve cords, from Poland, N. Y., to McKeever, N. Y., a rate of sixty-three cents per cord, and to Watertown, N. Y., a rate of one dollar and eighty-four cents per cord. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 1909, effective February 18, 1916.

No. 5824; February 10, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, proper tariff schedules under an effective date of March 1, 1916, for the purpose of postponing, as to New York state traffic, the effective dates from March 1, 1916, to June 29, 1916, of the following freight tariffs and supplements: N. Y. C. R. R. Co. issue P. S. C., 2 N. Y., N. Y. C. Nos. 2531, 2532, 2533, 2534, 2535, 2536, supplement No. 1 to 1021; West Shore Railroad issue P. S. C., 2 N. Y., W. S. Nos. 682, 683, 684, 685, 686, supplement No. 3 to 296, and supplement No. 2 to 405. Such postponement supplements to give reference to tariffs where rates will be found during period of postponement, and may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five pages.

It is further Ordered: That to admit of changes in rates being made in the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by proper schedules filed February 23, 1916.

No. 5825; February 10, 1916; Orange County Traction Company:

Ordered: That the Orange County Traction Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish rate of fifty cents per two thousand pounds on Ice, in lots of one hundred tons or over, between Orange Lake, N. Y., and Newburgh, N. Y. Said schedule to bear the following notation: "Authority Public Service Commission, Second District, State of New York, special permission No. 5825, of date February 10, 1916."

Completed by P. S. C. No. 10, effective February 11, 1916.

No. 5826; February 10, 1916; International Railway Company:

Ordered: That the International Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and effective not earlier than March 1, 1916, an amendment to its passenger tariff P. S. C., 2 N. Y., No. 150,

eliminating from page four the last paragraph under caption "Special Rates" and substitute therefor the following: "Ten tickets, each good for one ride between the hours of 5 and 7 a. m., and 5 and 7 p. m., between points in North Tonawanda, N. Y., ten single trips, thirty (30) cents." This permission is void unless the schedule issued thereunder is filed with the Commission at least ten days prior to March 1, 1916.

Completed by supplement No. 1 to P. S. C. No. 150, effective March 1, 1916.

No. 5827; February 11, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements amending its freight tariffs P. S. C., 2 N. Y., Nos. A-381 and A-569, for the purpose of further postponing, as to New York state traffic, from June 13, 1916, until July 13, 1916, the taking effect of the same items the taking of effect of which are, under special permission No. 5760, under postponement until June 13, 1916. This permission is void unless the schedules issued thereunder are filed with the Commission on or before June 13, 1916.

Completed by supplement No. 72 to P. S. C. No. A-381, and supplement No. 3 to P. S. C. No. A-569; filed February 29, 1916.

No. 5828; February 11, 1916; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than five days' notice, an amendment to its freight tariff P. S. C., 2 N. Y., No. 205, for the purpose of canceling supplement No. 3 thereto, filed to take effect March 3, 1916, reissuing the matter contained therein without change except to correct error in rate on Wool, n. o. s., carloads, minimum weight 22,500 pounds, from Gloversville, N. Y., to Fonda, N. Y., changing same from fifty-three cents per one hundred pounds to five and three-tenths cents per one hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission at least five days prior to March 3, 1916.

Completed by supplement No. 4 to P. S. C. No. 205, effective March 3, 1916.

No. 5829; February 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, and therein establish, on not less than one day's notice, a rate of thirty-five cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Furniss, N. Y., to Oswego, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 18 to P. S. C. N. Y. C. No. 65, effective February 17, 1916.

No. 5830; February 14, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than ten days' notice and under an effective date of March 7, 1916, a supplement to its freight tariff, P. S. C., 2 N. Y., N. Y. C. No. 1136, for the purpose of canceling supplement No. 6 thereto, filed to take effect March 7, 1916, and to

reissue the matter contained without change other than as to explanation of reference mark shown in connection with rate of \$1.94 per ton of 2240 pounds applying from Fulton, N. Y., Oswego, N. Y., and Phoenix, N. Y., to stations index Nos. 126 to 142 inclusive, to read as follows: "Will not apply on Axles, Old Car, Borings (iron or steel), Rails, Old (regardless of the purpose for which they are used), Scrap (iron or steel), Turnings (iron or steel), and Wheels, Old Car (loose or attached to axles), to index No. 126, Lockport, N. Y. Future rates will be as per N. Y. C. R. R. tariff No. 4978, I. C. C., N. Y. C., No. 4362, P. S. C., 2 N. Y., N. Y. C. No. 2489, and supplements thereto and reissues thereof." This permission is void unless the schedule issued thereunder is filed with the Commission at least ten days prior to March 7, 1916.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 1136, effective March 7, 1916.

No. 5831; February 14, 1916; The Delaware and Hudson Company:

Ordered: That the Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than ten days' notice and under an effective date of March 14, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3098, for the purpose of canceling supplement No. 9 thereto, filed to take effect March 14, 1916, and to reissue the matter contained without change except to eliminate point from and to which rates apply, Index No. 189, Long Island City, N. Y. (Queensboro Terminal, 14th Street, and Vernon Avenue). This permission is void unless the schedule issued thereunder is filed with the Commission at least ten days prior to March 14, 1916.

Completed by supplement No. 10 to P. S. C. No. 3098, effective March 14, 1916.

No. 5832; February 14, 1916; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than ten days' notice and under an effective date of March 14, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3163, for the purpose of canceling supplement No. 14 thereto, filed to take effect March 14, 1916, and to reissue the matter contained without change except to eliminate New York, N. Y., Index No. 2, as a point from which rates on Cotton, in compressed bales, in carloads and less carloads, to Dannemora, N. Y., will apply. This permission is void unless the schedule issued thereunder is filed with the Commission at least ten days prior to March 14, 1916.

Completed by supplement No. 15 to P. S. C. No. 3163, effective March 14, 1916.

No. 5833; February 14, 1916; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its local and joint tariff of charges for transportation of Milk, Cream, etc., in baggage cars in passenger trains, P. S. C., 2 N. Y., No. 330, for the purpose of postponing the effective date from February 29, 1916, until August 29, 1916. Said supplement to show date of issue only and bear notation on title page "Issued under authority of the Public Service Commission, Second District, State of New York, special permission No. 5833, of date February 14, 1916."

Completed by supplement No. 2 to P. S. C. No. 330, filed February 21, 1916.

No. 5834; February 14, 1916; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its tariff governing shipments of Milk, Cream, etc., in carload lots, P. S. C., 2 N. Y., No. 329, for the purpose of postponing the effective

date from February 29, 1916, until August 29, 1916. Said supplement to show date of issue only and bear notation on title-page "Issued under authority of the Public Service Commission, Second District, State of New York, special permission No. 5834, of date February 14, 1916."

Completed by supplement No. 2 to P. S. C. No. 329, filed February 21, 1916. No. 5835; February 14, 1916; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a joint freight tariff on Fluid Milk, Buttermilk, Cream, Condensed Milk, and Pot Cheese, in carloads and less than carloads, applying in both directions between stations of The Delaware and Hudson Company and stations of the Cooperstown and Charlotte Valley Railroad, as canceling its tariff P. S. C., 2 N. Y., No. 3126, and establishing therein the reduced rates as shown in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3264, effective February 23, 1916.

No. 5836; February 15, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, tariff supplements, effective March 1, 1916, for the purpose of postponing, as to traffic within the jurisdiction of this Commission, from March 1, 1916, to June 29, 1916, the effective date of the rates, charges, regulations, and practices stated in schedules applying to the transportation of Plaster and Plaster Articles from Garbutt, N. Y., as contained in freight tariffs issued to take effect March 1, 1916, designated as follows: G. O., P. S. C., 2 N. Y., No. 853; supplement No. 1 to G. O., P. S. C., 2 N. Y., No. 814; supplement No. 3 to G. O., P. S. C., 2 N. Y., No. 726; supplement No. 23 to G. O., P. S. C., 2 N. Y., No. 763; supplement No. 24 to G. O., P. S. C., 2 N. Y., No. 792; supplement No. 17 to G. O., P. S. C., 2 N. Y., No. 797; supplement No. 1 to G. O., P. S. C., 2 N. Y., No. 839. Such postponement supplements to give reference to tariffs where rates will be found during period of postponement, and may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five pages.

It is further Ordered: That to admit of changes in rates being made during the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by proper schedules, filed February 21, 1916.

No. 5837; February 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 121, and therein establish, on not less than one day's notice, a rate of six and three-tenths cents per hundred pounds on Lumber and Forest Products, as per list shown in tariff, carloads, minimum weight as per official classification in effect at the time of shipment, from Kasoag, N. Y., Camden, N. Y., McConnellsville, N. Y., and Blossvale, N. Y., to Syracuse, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 121, effective February 19, 1916.

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No. 5838; February 16, 1916; The Ulster and Delaware Railroad Company:

Ordered: That The Ulster and Delaware Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. 122, and therein establish, on not less than three days' notice, rates on Logs, Poles, and Cord Wood, in carloads, of not exceeding thirty thousand pounds, to Big Indian, N. Y., from New York state stations as follows: Phoenicia \$6.50 per car; Mt. Pleasant \$8 per car; Cold Brook \$9 per car; Ashokan and West Hurley \$10.50 per car; and Kingston \$12.50 per car. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 122, effective February 23, 1916.

No. 5839; February 17, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, proper tariff schedule under an effective date of March 1, 1916, for the purpose of postponing, as to New York state traffic, the effective date from March 1, 1916, until June 29, 1916, of supplement No. 6 to its P. S. C., 2 N. Y., No. 1129. Such postponement supplement to give reference to tariff where rates will be found during period of postponement, and may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five pages.

It is further Ordered: That to admit of changes in rates being made in the ordinary course of business during period of postponement, the tariff remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by supplement No. 7 to P. S. C. No. 1129, effective March 1, 1916.

No. 5840; February 17, 1916; Syracuse and South Bay Electric Railroad Company:

Ordered: That the Syracuse and South Bay Electric Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local freight tariff, and therein establish, on not less than three days' notice, a rate of ten dollars per car on Ice, in carloads (when loaded in box cars), from South Bay, N. Y., to Syracuse City Line, N. Y., subject to an additional charge of forty-five cents per day for foreign equipment while on the tracks of the company engaged in this service. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 6, effective February 24, 1916.

No. 5841; February 18, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than ten days' notice and effective not earlier than March 15, 1916, a local and joint passenger tariff of passenger fares, charges, rules, and regulations applying from and to points upon its line, and from points on its line to points on the lines of other carriers in New York state, as shown in proof copy of proposed tariff accompanying and a part of its application. This permission is void unless the schedule issued thereunder is filed with the Commission at least ten days prior to March 15, 1916.

Completed by P. S. C. No. 226, effective March 15, 1916.

No. 5842; February 19, 1916; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. 3112, and therein establish, on not less than one day's notice, a rate of seven dollars and thirty-five cents per car of sixty thousand pounds or less, excess in proportion, on Pulp (wood or sulphite) from Glens Falls, N. Y., to Hudson Falls, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 10 to P. S. C. No. 3112, effective February 22, 1916.

No. 5843; February 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish, on not less than one day's notice, a rate of ninety-five cents per ton of two thousand pounds on Cinders, carloads, minimum weight sixty thousand pounds, from Utica, N. Y., to Tupper Lake Junction, N. Y., and a rate of sixty-eight cents per ton of two thousand pounds from Malone, N. Y., to Tupper Lake Junction, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2578, effective February 28, 1916.

No. 5844; February 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, and therein establish, on not less than one day's notice, on Ice, carloads, minimum weight fifty thousand pounds, the rates in cents per ton of two thousand pounds from Mahopac, N. Y., to various New York state stations as shown in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by supplement No. 19 to P. S. C. N. Y. C. No. 65, effective March 2, 1916.

No. 5845; February 21, 1916; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to its passenger tariff P. S. C., 2 N. Y., No. 230, and freight tariff P. S. C., 2 N. Y., No. 572, for the purpose of further postponing, as to New York state traffic, the effective dates of passenger tariff P. S. C., 2 N. Y., No. 230, and supplement No. 1 to freight tariff P. S. C., 2 N. Y., No. 572, until August 29, 1916, said supplements to bear effective date of February 29, 1916. This permission is void unless the schedules issued thereunder are filed with the Commission on or before February 29, 1916.

Completed by supplement No. 2 to P. S. C. No. 230, and supplement No. 3 to P. S. C. No. 572, effective February 29, 1916.

No. 5846; February 21, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the

Commission established thereunder, supplements to freight tariffs N. Y. O. R. R., P. S. C., 2 N. Y., N. Y. C. No. 2483, and West Shore R. R., P. S. C., 2 N. Y., W. S. No. 667, of rules governing deliveries of freight at New York and Brooklyn, N. Y., etc., for the purpose of postponing from February 21, 1916, until June 20, 1916, the effective date of advances in charges for storage of freight at New York, N. Y., Brooklyn, N. Y., Queensboro Terminal, N. Y., Long Island City, N. Y., and Jersey City, N. J., published in supplements Nos. 2 to said tariffs, in so far as the same apply to New York intrastate traffic; also to change title-page of supplements Nos. 3 to said tariffs to read as follows: "Supplement No. 3 to P. S. C., 2 N. Y., N. Y. C. No. 2483, or supplement No. 3 to P. S. C., 2 N. Y., W. S. No. 667 (cancels all items in supplements Nos. 2 except those postponed by supplements Nos. 4.)"; and to provide for the erasure therefrom of all items shown therein as items reissued from supplements Nos. 2 providing for advances in charges for storage of freight at New York, N. Y., Brooklyn, N. Y., Queensboro Terminal, N. Y., Long Island City, N. Y., and Jersey City, N. J., the effective date of which is authorized to be postponed by this special permission. Said supplements to give reference by P. S. C., 2 N. Y., number to tariff where rates will be found pending period of postponement, and bear date of issue February 21, 1916.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2483, and supplement No. 4 to P. S. C. W. S. No. 667; effective February 21, 1916.

No. 5847; February 19, 1916; Kanona and Prattsburgh Railway Company:

Ordered: That the Kanona and Prattsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish, on not less than one day's notice, a rate of ten dollars per car on Ice between Beans Station, N. Y., and Kanona, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 30, effective February 26, 1916.

No. 5848; February 23, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local freight tariff on Distillers' Grains, wet, and Brewers' or Distillers' Grains, dried, in carloads, from Montrose, N. Y., and Peekskill, N. Y., to various stations on its line, as canceling its P. S. C., 2 N. Y., N. Y. C. No. 2514, filed to take effect March 3, 1916, reissuing the matter contained therein without change under same effective date; and also establishing, on not less than one day's notice, rate of forty cents per ton of two thousand pounds on such commodities, in carloads, from Montrose, N. Y., and Peekskill, N. Y., to Oscawana, N. Y., and Croton-on-Hudson, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2580, effective March 3, 1916.

No. 5849; February 23, 1916; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff, and therein establish, on not less than one day's notice, a rate of one dollar and twenty-six cents per ton of two thousand pounds on Piling, carloads, minimum weight thirty-four thousand pounds, from North Bay, N. Y., and Jewell, N. Y., over its line via Oneida, N. Y., and the New York Central railroad to Syracuse, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3256, effective February 26, 1916.

No. 5850; February 24, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That the Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. 2369, on not less than five days' notice, for the purpose of changing rule governing the furnishing of cars to provide that between November 1st and April 1st if ice car or other special equipment is furnished for the convenience of this company in place of box car equipment ordered by the shippers, the rates properly applicable on box car equipment will be charged regardless of the kind of equipment furnished. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 9 to P. S. C. No. 2369, effective March 7, 1916.

No. 5851; February 25, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. D-2952, and therein establish, on not less than one day's notice, a rate of forty-two cents per ton of two thousand pounds on Ice, in carloads (minimum weight to be specified), from Peruton, N. Y., to Mills, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. No. D-2952, effective February 29, 1916.

No. 5852; February 26, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East thereof):

Ordered: That the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east thereof) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. 3131, and therein establish, on not less than one day's notice, rate of twenty-six cents per ton of two thousand pounds on Ice, carloads, minimum weight forty thousand pounds, from Cuba, N. Y. (Cuba Summit), to Wellsville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. No. 3131, effective March 3, 1916.

No. 5853; February 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, and therein establish, on not less than one day's notice, a rate of forty-seven cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Kent Street and Portland Avenue stations, Rochester, N. Y., to Charlotte, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 20 to P. S. C. N. Y. C. No. 65, effective March 6, 1916.

No. 5854; February 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and

file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish, on not less than one day's notice, a rate of one dollar and eighty-four cents per cord on Excelsior Wood, in carloads, minimum twelve cords, from Loon Lake, N. Y., to Boonville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2597, effective March 8, 1916.

No. 5855; February 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to its freight tariffs of commodity rates on various articles, P. S. C., 2 N. Y., N. Y. C. Nos. 2396 and 2399, for the purpose of postponing the taking effect of all schedules contained in supplements Nos. 3 to said tariffs which were filed to take effect March 1, 1916, deferring the use of the rates, charges, regulations, and practices therein stated to apply upon New York intrastate traffic until the 29th day of June, 1916, unless otherwise ordered by the Commission. Said postponement supplements to show date of issue only and to be filed with the Commission on or before March 1, 1916.

Completed by supplements Nos. 4 to P. S. C. N. Y. C. Nos. 2396 and 2399, filed March 1, 1916.

No. E-76; February 23, 1916; F. G. Airy, Agent:

Ordered: That F. G. Airy, duly authorized agent for various Express companies, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, an amendment to his P. S. C., 2 N. Y., No. 78, and therein establish rates as follows: Eighty cents per hundred pounds on Second Class Commodities between Peekskill, N. Y., and Syracuse, N. Y.; eighty cents per hundred pounds on Butter, Cheese, and Eggs between New York, N. Y., and West Batavia, N. Y.; and rate of eighty cents per hundred pounds on Butter, Cheese, Eggs, Celery, and Lettuce between New York, N. Y., and North Macedon, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 15 to P. S. C. No. 78, effective March 7, 1916.

No. E1-10; February 23, 1916; Northern Westchester Lighting Company:

Ordered: That the Northern Westchester Lighting Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than six days' notice, a new service classification available for light and power consumption in cases where the installations total six hundred kilowatts to eight hundred kilowatts and over on basis of a three-year contract, at the rates and conditions specified in the application which is hereby made a part of this permission. Such new service classification to be issued on Original Leaf No. 20 to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, and the index to service classifications of such schedule to be correspondingly corrected. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by schedules effective March 1, 1916.

[Case No. 127]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of delays of passenger train No. 1004 west of Ravena, and No. 4 east of Ravena, known as the Continental Limited, on the West Shore railroad, leased to and operated by The New York Central and Hudson River Railroad Company.

On March 11, 1908, this Commission made an order in this case requiring The New York Central and Hudson River Railroad Company to operate train No. 4 beyond Ravena, Albany county, whenever train No. 1004 on the West Shore railroad known as the Continental Limited was reported thirty minutes or more late at Ravena. That order was continued in force until June 3, 1916, when it was suspended, upon application of The New York Central Railroad Company, until January 1, 1917. On December 31, 1915, said order was still further suspended until March 1, 1916. On January 7, 1916, The New York Central Railroad Company made application for a further suspension of said order until January 1, 1917. A hearing upon said application was held at the office of the Commission in the city of Albany on February 14, 1916, at which time Messrs. Visscher, Whalen and Austin, by Mr. Whalen, appeared on behalf of the railroad company, and no one appeared in opposition. During the time the original order was suspended the railroad company has given the service contemplated therein, and it now advises the Commission that it intends to continue so to do even if the order should be abrogated. The company claims that by reason of the order it is subjected to a certain amount of expense which might perhaps be avoided if the company is not obliged to keep a train crew in readiness daily for the purpose of running train No. 4 beyond Ravena in the event that the through train should happen to be late. It is desirable that no unnecessary expense should be put upon the corporation provided it gives the public the service which is required, and on that account there would seem to be no objection to making an order suspending the original order of March 11, 1908, indefinitely rather than to January 1, 1917. It is therefore

Ordered: 1. That the order of this Commission in the above entitled matter dated March 11, 1908, be and the same hereby is indefinitely suspended, upon condition however that such suspension may be discontinued at any time if it should appear that train No. 1004 is not being operated on time with reasonable regularity, or that the company is failing to provide a substitute for train No. 1004 between Ravena, Albany county, and Kingston, when said train No. 1004 is reported more than thirty minutes late at Ravena.

2. That said The New York Central Railroad Company be and it hereby is required to report to this Commission, not later than the fifth day of each month, the time of arrival of train No. 1004 at Ravena, Albany county, each day of the preceding month.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Ordered: That in compliance with a request made by The New York Central Railroad Company a contract entered into between the cities of Yonkers and Mount Vernon, the Bronx Parkway Commission, and Guy Vroman, civil engineer, for the preparation by Mr. Vroman of all plans, specifications, and estimates, and for all engineering, superintendence, etc., necessary or required in respect to the overgrade crossing to be built over the tracks of the New York and Harlem railroad in the line of Broad street, Mount Vernon, be and is hereby approved.

Further Ordered: That such approval shall not be construed as in any manner obligating the State of New York to any expenditure in excess of nine thousand two hundred twenty-five dollars (\$9225) as provided in the order herein of December 16, 1915.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on

November 10, 1914, determined and directed that the present grade crossing known as the Pondfield Road grade crossing of the New York Central railroad, in the village of Bronxville, Westchester county, shall be closed and discontinued, and that the highway traffic at the point mentioned shall be diverted to an undercrossing to be constructed according to certain plans approved by this Commission and under its direction, and the total cost of such elimination and change having been estimated at the sum of \$204,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$51,000; now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$345,000), there shall now be segregated and set apart to the credit of grade crossing case No. 774, above entitled, the sum of \$51,000 to meet the State's share of the cost of the elimination in said case, as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Cases No. 4176, 4184]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of DANIEL EDWARDS ET AL.
of Johnstown *against* GLEN TELEPHONE COMPANY [Case
No. 4176].

In the matter of the Complaint of NATHAN D. GRIFFIN,
individually, and as President of the Merchants' Association of Gloversville, *against* GLEN TELEPHONE COMPANY [Case No. 4184].

By the order which was entered in the above entitled case on December 30, 1915, it was provided that the Glen Telephone Company should on or before March 1, 1916, submit to this Commission for its examination and approval a new rate schedule applicable to the Johnstown and Gloversville areas. Pursuant to the provisions of said order the said Glen Telephone Company has this day filed with this Commission the following rate schedules, to wit: "P. S. C., N. Y., second revised sheet No. 1; first revised sheet No. 4; and first revised sheet No. 20; Fourth revision P. S. C., N. Y., No. 8; Third revision P. S. C., N. Y., No. 9"; and the Commission having examined said revised schedules and having determined that the same should be approved, it is

Ordered: That the filing by the said Glen Telephone Company on March 1, 1916, of the revised schedules hereinbefore enumerated for the Johnstown and Gloversville areas shall be and hereby is considered as compliance with the requirements of subdivision (2) of the order of this Commission dated December 30, 1915.

[Case No. 5034]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the LEBANON VALLEY LIGHTING COMPANY, INC., under section 68 of the Public Service Commissions Law for permission to construct electric lines in portion of the towns of Canaan and New Lebanon, Columbia county, and approval of franchises; and under section 69 for authority to issue capital stock. First supplemental order.

Petition filed June 14, 1915; amendatory petition filed June 25, 1915; hearing held August 5, 1915; order entered August 12, 1915; report of electrical engineer dated February 8, 1916. By petition filed herein the 14th day of June, 1915, the Lebanon Valley Lighting Company, Inc., prayed for approval of exercise of franchise, permission to construct a generating plant, and authority to issue \$10,000 par value of its capital stock, and to use the proceeds thereof at par for the acquisition of certain property known as the Canaan Paper Mill property and the purchase and installation of an electric light plant in the aforesaid mill and vicinity. By order herein dated August 12, 1915, the Commission approved of the exercise of franchises in the towns of Canaan and New Lebanon, and authorized the petitioner to begin construction and to maintain and operate an electric plant in the towns of Canaan and New Lebanon, Columbia county, N. Y. The report of the electrical engineer of the Commission dated February 8, 1916, sets forth that the plant of the petitioner so constructed and operated in accordance with the order of August 12, 1915, has been shut down and operations suspended. In addition, the Commission is advised by letter from the president of the petitioner dated February 16, 1916, that the plans of the petitioner as to the generation and distribution of electric energy will be in the future changed from those originally contemplated, it being the intention of the petitioner to secure electric current by transmission line from West Stockbridge, Mass.; and that the petition filed June 14, 1915, so far as it related to the issue of \$10,000 of capital stock, should be closed temporarily. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed on the records of the Commission, without prejudice to the right of the petitioner to reopen the same at any future time.

[Case No. 5342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of INTERNATIONAL RAILWAY COMPANY as to proposed extension of its railroad between Buffalo and Niagara Falls crossing certain streets and highways, and as to said extension crossing railroads; also as to certain franchises.

On February 1, 1916, the International Railway Company filed with this Commission an additional application in the above entitled matter requesting among other things "A determination under section 98 of the Railroad Law as to the method of crossing the existing railroad of The Delaware, Lackawanna and Western Railroad Company between Main street and Kenmore avenue in the city of Buffalo; the permission and approval of this Commission to the exercise of a franchise granted to the petitioner by the City of Niagara Falls on December 13, 1915, and for leave to begin construction thereunder on Portage road in the city of Niagara Falls". On February 29, 1916, a hearing was held at the office of the Commission in the city of Albany, at which time Morris Cohn, jr., appeared for the petitioner; D. E. Minard for the Erie Railroad Company; and H. LeRoy Austin, of Visscher, Whalen and Austin, appeared for The New York Central Railroad Company. There was no one present in opposition to said application. It appeared upon the hearing that the proposed extension on Portage road in the city of Niagara Falls involves among other things the elimination of a grade crossing where trains of the Erie Railroad Company and The New York Central Railroad Company cross one of the public streets; and that the petitioner has entered into a contract with the City of Niagara Falls, the Erie Railroad Company, The New York Central Railroad Company, and the Niagara Junction Railroad Company relative to said crossing in accordance with the provisions of the statute governing grade crossings in the city of Niagara Falls. There is also on file with the Commission a letter from The Delaware, Lackawanna and Western Railroad Company, signed by its president and dated February 9, 1916, stating that said railroad company had no objection to the proposed extension of the petitioner across tracks of said company between Main street and Kenmore avenue in Buffalo by means of an undercrossing. It was stated at the hearing that this would require no additional construction work on the part of The Delaware, Lackawanna and Western Railroad Company, there being sufficient space now available to place an additional track alongside of the present track of the International company passing under the Lackawanna at this point. After due consideration and deliberation, the Commission having determined that the application should be granted and that the construction of the proposed extension along Portage road in the city of Niagara Falls as the same now exists, or as the same may be altered from Buffalo avenue about five hundred (500) feet northerly to the right of way of the petitioner immediately north of the track of the Erie Railroad Company, and the exercise of the franchise granted by the common council of the City of Niagara Falls on December 13, 1915, are necessary and convenient for the public service; and the Commission having also determined that the extension of the petitioner shall cross the existing railroad of The Delaware, Lackawanna and Western Railroad Company at the point hereinbefore referred to by means of an already existing undercrossing where the route of the extension of the petitioner intersects said railroad, it is

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the International Railway Company to construct, maintain, and operate a double-track extension of its street surface railroad from its filed route along private right of way immediately north of the Erie Railroad Company, southerly along Portage road as it now exists or as the same may be altered and re-located to Buffalo avenue, together with the right to connect with the present tracks of said company on Buffalo avenue and to exercise the franchise granted to it by the common council of the City of Niagara Falls on December 13, 1915, subject to all the terms and conditions therein set forth.

2. That pursuant to the provisions of section 98 of the Railroad Law the extension of the International Railway Company shall cross the existing railroad of The Delaware, Lackawanna and Western Railroad Company between Main street and Kenmore avenue in the city of Buffalo by means of the undercrossing now existing at the point of intersection of the route of the said extension of the petitioner and the railroad of said The Delaware, Lackawanna and Western Railroad Company, and all of the expense incident to such crossing as herein authorized shall be borne by the said International Railway Company.

[Case No. 5380]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SOUTH BUFFALO MILK DEALERS' ASSOCIATION, by A. F. Reickert and W. H. Beale, *against* THE PENNSYLVANIA RAILROAD COMPANY, asking that a milk platform be reestablished in the hamlet of Winchester, town of West Seneca, Erie county, for the convenience of milk dealers in that vicinity.

This matter was presented to the Commission by the complaint of the South Buffalo Milk Dealers' Association, consisting of many milk dealers who procure milk in cans from towns in Erie and Cattaraugus counties east of the city of Buffalo and is brought to them by The Pennsylvania Railroad Company, and which milk is then distributed by the complainants to about three thousand families throughout the large section of Buffalo known as the south and southeast sections of said city. Several hearings were had herein by the Commission in the city of Buffalo, at which all of said complainants appeared in person, and by Mr. Charles H. Addington, of East Aurora, of counsel; Messrs. H. J. Adams and Judson S. Rumsey, of Buffalo, appeared as attorneys for The Pennsylvania Railroad Company; and Mr. D. C. Daly, division operator, and Mr. W. B. Tracy, supervising agent, of the respondent, also appeared for the respondent; and Mr. Myron N. Ludlow, jr., of Buffalo, also appeared on behalf of several residents of the village of East Aurora who are commuters to the city of Buffalo on the train which is involved in this controversy. Certain proofs and proceedings were taken and had on said hearings whereby it satisfactorily appears that for many years The Pennsylvania Railroad Company maintained the milk station at Winchester and stopped its morning milk and passenger train at Aurora avenue in the hamlet of Winchester, town of West Seneca, for the convenience of the milk dealers of South Buffalo who are the complainants in this case

and who received and are now receiving upward of one hundred cans of milk daily; that the health department of the City of Buffalo made certain requirements concerning the pasteurization of said milk and the dealers were compelled to arrange to have such milk pasteurized before shipment; that such treatment of the milk was done at plants in the country, and the milk dealers thereupon sought to facilitate the delivery of their milk by the use of auto trucks from such plants, which however proved unsatisfactory; but meantime there was no necessity for the stopping of said train, and the company therefore eliminated said stop and discontinued said milk station at Winchester and established the same at Ebenezer, at a distance of between one and two miles farther east on its line; the complainants are now compelled to go to the Ebenezer station for their milk, which adds materially to the haul and occupies considerable more time than formerly when the station was at Winchester; the railroad company appears to be willing to accommodate the complainants in this case, but the train which brings the milk to Buffalo in the morning also carries commuters from East Aurora and other places suburban to Buffalo, and some of such commuters object to the stopping of said train at Winchester for the purpose of unloading milk because such operation requires from five to ten minutes' time, and that would delay their arrival in Buffalo; it was pointed out by the complainants, however, that the convenience of many thousands of families in the matter of receiving their milk from the complainants was of great importance and should be duly considered in this case. Under all the circumstances, the sitting Commissioner at the last hearing held in Buffalo on the 18th day of February, 1916, recommended to the respondent, The Pennsylvania Railroad Company, that it erect a milk platform for the reception of milk at Winchester and stop its morning train No. 9313 at that place and try out the plan for a couple of months and see what the result will be; and if after that time the company comes to the Commission and shows the plan to be unreasonable and unnecessary, the matter can be taken up again for consideration: the Commission is in receipt of a letter dated February 25, 1916, from Mr. George B. Beale, division superintendent of The Pennsylvania Railroad Company, announcing that such suggestion will be complied with. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, on condition however that in case the respondent, The Pennsylvania Railroad Company, shall, after trying out the plan above outlined for at least a period of two months, come to the Commission alleging that said service and the stopping of said train is either unreasonable or unnecessary, the case will be reopened and taken up for further consideration.

[Case No. 5389]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct poles, towers, wires, and appurtenances for electricity in the town of Niagara, Niagara county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

The petitioner, Niagara, Lockport and Ontario Power Company, filed its petition in this proceeding on the 14th day of January, 1916, under section 68 of the Public Service Commissions Law, for permission to construct its electric plant, consisting of poles, towers, wires, and appurtenances, in the town of Niagara, Niagara county, for transmitting and furnishing electricity to customers for light, heat, and power; and for the approval of the exercise of the franchise therefor granted by the town board and superintendent of highways of the said Town of Niagara and dated January 11, 1916. Thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why such petition should not be granted to file the same with the Secretary of the Commission on or before February 1, 1916, and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 25th day of February, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals of Buffalo, having duly appeared as counsel for the petitioner, and no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is desirous of carrying its electric transmission line across the Military Road, the Lockport road, the Witmer road, and the Sanders road, all public highways located within the said town of Niagara; and that on the said 11th day of January, 1916, the petitioner was granted a franchise by the town board and superintendent of highways of said Town of Niagara to construct, maintain, and operate its wires and cables over and across all of said highways, on condition that such construction should not be placed within the limits of any of said highways, but should be placed on private property outside of the highway limits, and the wires and cables suspended therefrom across said highways not less than twenty feet above the surface of the same; and the said franchise having been presented to and filed by the Commission at said hearing. And from all of such papers, proofs, and proceedings it being hereby determined that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the Niagara, Lockport and Ontario Power Company to construct, maintain, and operate all necessary poles, towers, wires, cables, appliances, and structures over and across the following highways in the town of Niagara, viz.: The Military Road at any point or points between the north line of the town of Niagara on the north and the right of way of The New York Central Railroad Company (Lockport branch) on the south; the Lockport road at any point or points between the city line of Niagara Falls on the west and the right of way of The New York Central Railroad Company (Lockport branch) on the

east; the Witmer road and the Sanders road at any point or points between the west line of lot twenty (20) on the west and the north line of the town of Niagara on the east; for the purpose of transmitting electric power in and through said town, and for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the customers thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara, Lockport and Ontario Power Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and superintendent of highways of the Town of Niagara on the 11th day of January, 1916, subject to and in accordance with all the terms, conditions, and limitations of said franchise.

3. No poles, towers, wires, cables, or other structures shall be placed over or across any state or county highway without first obtaining the consent of the State Commissioner of Highways.

[Case No. 5442]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the BINGHAMTON GAS WORKS under section 69 of the Public Service Commissions Law for authority to issue \$25,000 in general mortgage fifty-year 5 per cent gold bonds of \$1000 each.

Petition filed February 23, 1916; report of division of capitalization dated February 26, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Binghamton Gas Works is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$25,000 face value of its 5 per cent 50-year general mortgage gold bonds under a certain indenture given to the Trust Company of America (Equitable Trust Company, successor) as trustee, dated the 1st day of October, 1904, to secure an authorized issue of a total face value of \$2,500,000.

2. That said bonds of the face value of \$25,000 shall be sold for not less than 90 per cent of their face value and accrued interest, to give net proceeds of \$22,500.

3. That said bonds of the face value of \$25,000 so authorized, or the proceeds thereof to the amount of \$22,500, shall be used solely and exclusively for the following purpose:

For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from March 31, 1915, to December 31, 1915, inclusive, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	\$21,580.77
Plus amount unprovided for in order entered on the 21st day of September, 1915, in case No. 4859, for which proceeds of securities therein authorized for reimbursement purposes for period from March 30, 1910, to March 30, 1915, were insufficient by.....	290.79
	\$21,871.56
Excess	\$628.44

4. That if the said bonds of a total face value of \$25,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$22,500, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Binghamton Gas Works unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Binghamton Gas Works shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or the proceeds thereof used the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 1332]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EAST CREEK ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a mortgage upon all its property for \$3,000,000, and to increase its capital stock from \$200,000 to \$750,000.

Third
supplemental
and
amendatory
order.

Petition filed November 22, 1909; hearing held December 2, 1909; report of examiner dated January 14, 1910; hearing held March 8, 1910; copies of franchises granted by following authorities filed on April 21, 1910: Superintendents of highways of Towns of Manheim, Herkimer county, dated January 20, 1910; St. Johnsville, Montgomery county, dated December 2, 1909; Oppenheim, Fulton county, dated March 1, 1910; Ephratah, Fulton county, dated December 10, 1909; Johnstown, Fulton county, dated January 6, 1910; town board of Town of Johnstown, Fulton county, dated January 6, 1910. Order entered April 21, 1910; modified order entered May 5, 1910; first supplemental

order entered May 27, 1910; amended copy of proposed mortgage filed June 3, 1910; second supplemental order entered June 8, 1910; first supplemental petition filed December 29, 1914; report of electrical engineer dated February 20, 1915; second supplemental petition filed June 4, 1915; report of division of capitalization dated September 18, 1915; report of electrical engineer dated December 20, 1915; final report division of capitalization dated January 5, 1916; memorandum of division of capitalization dated February 29, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated January 5, 1916, which on January 10, 1916, was sent to the corporation, such entries being listed in appendix D, pages 19 to 26 inclusive thereof, shall with the exception of entry No. 9 be entered upon the books of the East Creek Electric Light and Power Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That ordering clause No. 2 of the order entered herein the 21st day of April, 1910, is hereby modified and amended by the substitution therefor of the following:

2. That the East Creek Electric Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$1,271,000 face value of its 5 per cent 50-year first and refunding mortgage gold bonds under the aforesaid mortgage, which shall be sold at not less than 85 per cent of their face value and accrued interest, to realize net proceeds of \$1,080,350, which shall be used solely and exclusively for the following purposes:

(a) To retire \$125,000 face value of its outstanding first mortgage 5 per cent gold bonds.....	\$125,000.00
(b) To pay the mortgage tax upon the filing of said mortgage and the issuing of said bonds.....	6,000.00
(c) To purchase and acquire additional lands and water power at Inghams Mills and to procure lands to construct a railroad branch and for pipe line right of way, as set forth in detail in subdivision 13 of the petition herein.....	100,000.00
(d) To construct new power plant at Inghams Mills and extensions and additions to its property as follows:	
Dam, pipe line, pipe trench, etc.....	\$236,709.42
Power house	46,335.44
Hydraulic apparatus	48,384.41
Electrical apparatus	94,177.73
Transmission line	129,145.74
Sub-station	61,345.30
Engineering and superintendence.....	78,841.87
Interest during construction.....	56,661.18
Incidentals, contingencies, construction camp, insurance, railroad branch Little Falls to Dolgeville, and general expenses	97,307.74
	<u>848,908.83</u>
To round out.....	441.17
	<u>\$1,080,350.00</u>

3. That the East Creek Electric Light and Power Company shall file, not later than fifteen days after the end of each calendar year, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained in ordering clause No. 2, subdivision (a) of the order entered herein on April 21, 1910, as amended, all of the other subdivisions having been satisfactorily accounted for; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified therein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until the securities authorized herein for the aforesaid purpose shall have been sold or disposed of and the proceeds expended in accordance with such authority, and if during any period no securities were sold or disposed of or the proceeds thereof expended the report shall set forth such fact.

4. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective unless and until compliance with such clause shall have been made, reported to, and approved as sufficient by this Commission.

5. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and partially issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4888]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ALFRED J. VOYER of Albany against WESTERN UNION TELEGRAPH COMPANY as to refusal to furnish ticker stock quotation service.

The complainant in this case resides in the city of Albany and conducts a stock brokerage business in said city; his complaint was filed with the Commission March 24, 1915, which alleged that the respondent refused to renew its telegraph service to the complainant, and asked the Commission to order the restoration of such telegraph service; on the 23rd day of April, 1915, the respondent filed its answer, wherein the claim is made that the service required by the complainant herein is for telegraph quotations of stocks, bonds, and other securities, and that the respondent was prevented by the New York Stock Exchange from transmitting quotations to any persons other than those approved by said Stock Exchange. The case had been pending ever since such issue was joined, and several hearings have been set herein, but the case has been adjourned from time to time by the consent of the parties; there has now been filed with the Commission under date of February 28, 1916, and filed March 1, 1916, a written stipulation signed by John A. Stephens, attorney for the complainant, and Rush Taggart, attorney for the respondent, agreeing that the complaint herein be withdrawn and the proceedings discontinued. It is therefore

Ordered: In accordance with such stipulation, that the complaint herein be withdrawn and these proceedings be and the same hereby are discontinued, and this case closed upon the records of the Commission.

[Case No. 5395]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of JOHN GARSIDE of Cohoes for permission to construct, and approval of a franchise from the City of Cohoes to construct a single track siding at grade across Pine street in said city.

Application having been made by John Garside of Cohoes for permission to construct, and approval of a franchise from the City of Cohoes to construct a single track siding at grade across Pine street in said city, said application being accompanied by a certified copy of an ordinance permitting such construction under certain restrictions therein set forth, and also by a copy of a bond duly filed for the faithful performance of the requirements of the franchise; and the matter having come on for a hearing before this Commission, at which said hearing were present representatives of the petitioner and of The Delaware and Hudson Company, who are to operate the proposed sidetrack; and proof having been filed of the publication of notices of the said hearing in two newspapers of Cohoes, in accordance with the order of the Commission to that effect; and said The Delaware and Hudson Company, through its attorney, having at the said hearing expressed its desire to join in the application as one of the applicants, so that this application shall be considered as having been made both by the said John Garside and by The Delaware and Hudson Company, as joint petitioners; and a map showing in detail the plan for the construction of the proposed sidetrack having been filed with the Commission, and the purposes of the said application having been explained, and there being no opposition thereto, all of which more fully appears in the stenographer's minutes of the said hearing, on file among the papers in this case; it is hereby

Ordered: 1. That permission and approval are hereby granted to the petitioners, John Garside of Cohoes and The Delaware and Hudson Company, to construct and maintain a switch track or siding, as shown by the said map or blueprint referred to, and crossing Pine street in the city of Cohoes at grade.

2. And it having been determined that such construction and maintenance of said sidetrack extension, as well as the exercise of the franchise and privilege therefor, are necessary and convenient for the public service, it is further ordered that permission and approval are hereby given to the said petitioners to exercise the franchise hereinabove referred to, in accordance with the terms thereof and subject to any further orders of this Commission which may be made in reference thereto.

[Case No. 5397]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to construct a switch and sidetrack which shall cross Lamphere street at grade in the city of Dunkirk, and for approval of the exercise of franchise therefor received from the city.

The petition herein of The New York Central Railroad Company was filed with the Commission January 25, 1916, in and by which the petitioner asks for permission to construct, maintain, and operate a spur track beginning at a point north of the present northerly track of said company on Lamphere street in the city of Dunkirk, and extending westerly across Lamphere street to and upon the premises now occupied by the plant of the Dunkirk Glass Company, which construction will furnish necessary facilities to said plant in the matter of incoming and outgoing freight shipments. At the hearing held in this case by the Commission in the city of Buffalo on the 4th day of March, 1916, such proofs and proceedings were taken and had whereby it satisfactorily appears that it is proposed to build such side and switch track from a connection in the existing tracks of the Dunkirk, Allegheny Valley and Pittsburgh branch of the New York Central Railroad lines so that the same will extend from such connection about three hundred and forty (340) feet, and about two-thirds of which, besides the part crossing Lamphere street, is to be constructed upon the property of the petitioner, and the other one-third will be extended outside of the right of way of the petitioner and upon the property of said Dunkirk Glass Company; and the purpose of said switch track and siding is to furnish convenient shipping facilities for said plant; that said Lamphere street at about the point of such proposed crossing is already crossed by one track each of the Nickle Plate railroad and Pennsylvania railroad, and three tracks of the said Allegheny Valley branch of the petitioner. On said hearing Mr. Maurice C. Spratt of Buffalo appeared as counsel for the petitioner, and there was no other appearance for any party; there was presented to the Commission on said hearing and filed with the papers in this case due proof of the publication of a notice of said hearing, pursuant to the direction of the Commission, which notice was published in the *Evening Observer*, a newspaper printed and published in the city of Dunkirk; and there was also presented on said hearing the franchise sought to be approved herein, consisting of a certified copy of the resolution passed by the common council of the City of Dunkirk on the 4th day of November, 1915, having attached thereto a blueprint or map showing the locality in said city of Dunkirk where said crossing is proposed to be made and of the situation of said railroads crossing Lamphere street as aforesaid; which said map, resolution, and certificate of the city clerk of the City of Dunkirk were marked as exhibits and are filed with the papers in this case; and there being no opposition to the petition herein, and it being hereby determined that the construction, maintenance, and operation of said switch track and siding, as well as the exercise of the said franchise and privilege therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby granted to the petitioner herein to lay, construct, and maintain at grade a switch track and siding running in a westerly direction from the intersection thereof with

the existing tracks of the Dunkirk, Allegheny Valley and Pittsburgh branch of the New York Central Railroad lines, and crossing Lamphere street in the city of Dunkirk in the manner shown upon said map; said switch track and siding having an entire length of about three hundred and forty (340) feet, sixty (60) feet of which crosses said Lamphere street, about two-thirds of the remainder being constructed on the property of the petitioner and the balance on the property of the Dunkirk Glass Company.

2. That permission and approval are hereby given to the said petitioner to exercise all the rights and privileges conferred by the said franchise so granted to the petitioner on the 4th day of November, 1915, by the common council of the City of Dunkirk, in accordance with and subject to all the terms and conditions thereof.

[Case No. 5404]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of DEWITT C. MAIN under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated between the city of Albany and the hamlet of Guilderland Center, Albany county.

A petition having been made by DeWitt C. Main under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, the purpose being to operate said bus line beyond the limits of Albany to the hamlet of Guilderland Center in Albany county, which said petition is accompanied by a certified copy of an ordinance of the common council of the City of Albany granting a franchise to operate the said motor bus line within the said city upon certain routes specified therein and under certain conditions therein set forth; and the matter having come on for a hearing before this Commission on the 1st day of March, 1916, at which said hearing the petitioner was represented by counsel, and the United Traction Company, now operating a trolley line along the route in question, was also represented by counsel; and it appearing that the franchise granted by the common council of the City of Albany contains as a condition or restriction that no passenger shall be carried from any point east of Magazine street to a point within said city, and no passenger shall be carried from points between the terminal and points east of Magazine street; and the representative of the United Traction Company having stated that in view of this restriction in the franchise, and on the understanding that it would be faithfully observed, no objection would be interposed on behalf of the said Traction company to the granting of this petition; and proof having been filed of the publication of the public notice of said hearing in five newspapers published in the city of Albany; and it appearing that the population beyond the limits of the city of Albany which the proposed auto bus line is intended to serve has no means of transportation to or from Albany at the present time; and that the convenience and necessity of the public would be served by the granting of this application, and there being no opposition thereto; now therefore this Commission hereby certifies that public convenience and necessity require the operation by the said DeWitt C. Main of a system of motor busses, under the terms and conditions set forth in the fran-

chise heretofore granted to the petitioner by the common council of the City of Albany, over, upon, through, and along North Pearl street from or about the intersection of State street and North Pearl street, over South Pearl street to Hudson avenue, west over Hudson avenue to Lark street, thence south to Madison avenue, thence west along Madison avenue to Western avenue, thence out Western avenue to the above said village, upon the condition that no passenger shall be carried from any point east of Magazine street to any point within the said city of Albany, and no passenger shall be carried from points between the terminal and points east of said Magazine street, the purpose of the present application being to serve the convenience of the public outside of Albany, and it being necessary in furtherance of that purpose to operate the said bus line within the city of Albany under the conditions above set forth. This certificate is granted subject to the conditions of all the terms and conditions of the franchise heretofore mentioned, and subject to present and future ordinances of the City of Albany, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto. This certificate is not assignable without the consent of this Commission.

[Case No. 5409]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE PENNSYLVANIA RAILROAD COMPANY under section 54, Railroad Law (chapter 564, laws 1915), for consent to change the name of its Lewis station to Aloquin.

A petition having been made by The Pennsylvania Railroad Company asking that the consent of this Commission be given to a change in the name of a station upon its line extending from Elmira to Canandaigua, said station being known by the name of Lewis, and the proposal being to change its name to Aloquin; and the matter having come on for a hearing before this Commission on the 24th day of February, 1916, at which said hearing petitioner was represented by Alexander S. Diven of Elmira, N. Y., as its attorney; and the reasons for the proposed change having been duly stated at the hearing; and proof of the posting of notices of the hearing in accordance with the requirements of the Commission having been duly filed; and no one having appeared in opposition to the proposed change of name; and the Commission being of the opinion that such change, for reasons set forth in the petition and at said hearing, will be in the public interest, it is hereby

Ordered: That this petition be and the same hereby is granted, and that the consent of this Commission be and the same hereby is given to the proposed change in the name of petitioner's station now known as Lewis, to Aloquin.

[Case No. 5423]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 53 of the Public Service Commission Law for permission to construct an additional switch and sidetrack in Railroad avenue, in the city of Dunkirk; and for approval of the exercise of a franchise therefor received from the city.

The petition herein of The New York Central Railroad Company was filed with the Commission February 3, 1916, in and by which the petitioner asks for permission to construct, maintain, and operate a switch and team track, beginning at a point in the present track of the Dunkirk, Allegheny Valley and Pittsburgh branch of the New York Central Railroad lines, about two hundred and twenty-five (225) feet northerly from the northerly side of the pavement in Courtney street, as the same is now situated in the city of Dunkirk, thence extending northerly, and on the easterly side of the said existing railroad track, at present owned and occupied by the petitioner, in Railroad avenue, to a point about one hundred (100) feet southerly from the intersection of the southerly line of Talcott street with the line of the tracks so owned and occupied by the petitioner; said proposed switch and team track to be approximately four hundred and seventy-five (475) feet in length, and being located entirely on the easterly side of said existing tracks, as shown by a blueprint or map thereof attached to the petition herein. At the hearing held in this case by the Commission in the city of Buffalo on the 4th day of March, 1913, such proofs and proceedings were taken and had whereby it satisfactorily appears that it is proposed to build such switch and team track within the limits of Railroad avenue in the city of Dunkirk alongside of the main tracks of the Dunkirk, Allegheny Valley and Pittsburg railroad which are now owned and operated by the petitioner herein; that in the vicinity of said proposed switch and team track there are several large manufacturing plants and lumber yards, besides many small business enterprises, which receive and ship a large amount of freight; and without the facilities of said team track as proposed all of said industries are required to make a private haul for both incoming and outgoing freight of about a mile to the freight yard of the petitioner; said proposed switch and team track will be nearly five hundred (500) feet long, which will afford ample freight facilities for shippers in that locality. On said hearing, Mr. Maurice C. Spratt of Buffalo appeared as counsel for the petitioner, and there was no other appearance for any party; there was presented to the Commission on said hearing and filed with the papers in this case due proof of the publication of a notice of said hearing, pursuant to the direction of the Commission, which notice was published in the *Evening Observer*, a newspaper printed and published in the city of Dunkirk; and there was also presented to the Commission at that time the franchise sought to be approved herein, consisting of a certified copy of the resolution passed by the common council of the City of Dunkirk on the 29th day of December, 1915, having attached thereto a blueprint or map showing the said proposed switch and team track, and the locality in said city of Dunkirk which is to be served thereby, which map, resolution, and certificate of the city clerk of the City of Dunkirk were marked as exhibits and are filed with the papers in this case; and there being no opposition to the petition herein; and it being hereby determined that the construction, maintenance, and operation of said switch and team track, as well as the exercise of the said franchise and privilege therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby granted to the petitioner herein to lay, construct, and maintain at grade a switch and team track in, upon, and along the public street in the city of Dunkirk, Chautauqua county, known as Railroad avenue, for a distance of about four hundred and seventy-five (475) feet, running in a northerly direction from the intersection of such switch and team track with the existing tracks of the Dunkirk, Allegheny Valley and Pittsburgh branch of the New York Central Railroad lines, owned and operated by the petitioner herein, and which such intersection is about two hundred and twenty-five (225) feet northerly from the northerly side of the pavement in Courtney street as the same is now situated, in the said city of Dunkirk, as shown on said blueprint or map which is marked exhibit 3 and filed with the papers in this case.

2. That permission and approval are hereby given to the said petitioner to exercise all the rights and privileges conferred by the said franchise so granted to the petitioner on the 29th day of December, 1915, by the common council of the City of Dunkirk, in accordance with and subject to all the terms and conditions thereof.

[Case No. 5463]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of a certain The Delaware, Lackawanna and Western Railroad Company proposed tariff.

It appearing that The Delaware, Lackawanna and Western Railroad Company has tendered to this Commission for filing a passenger tariff containing notice of discontinuance of Cortland Junction, N. Y., as a station for the reception or delivery of passengers; also notice of the cancellation of all passenger fares applicable to New York intrastate traffic applying between Cortland Junction, N. Y., and other stations upon its lines in New York state, designated and to become effective as follows: "The Delaware, Lackawanna and Western R. R. Co. Supplement No. 3 to P. S. C., 2 N. Y. No. 453, effective March 27, 1916."

It further appearing that The Delaware, Lackawanna and Western Railroad Company has for a long period of time maintained Cortland Junction, N. Y., as an established station for the reception or delivery of passengers, and that said railroad company has not obtained the consent of this Commission to discontinue said Cortland Junction as such a station, as required by section 54 of the Railroad Law, it is

Ordered: That the hereinbefore designated passenger tariff be returned to said railroad company as rejected.

[Case No. 2845]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY for authority to issue three-year collateral gold notes to the amount of ten million dollars (\$10,000,000); general lien bonds under its first consolidated mortgage deed dated December 10, 1895, to the amount of one million dollars (\$1,000,000); convertible bonds, Series "C", under its general mortgage dated April 1, 1903, to the amount of seven million dollars (\$7,000,000); and common stock to the amount of fifteen million dollars (\$15,000,000), to be issued only for the purpose of converting said last above mentioned bonds pursuant to the terms of said general mortgage.

Amendatory
and
supplemental
order.

Petition filed March 28, 1912; order entered April 1, 1912; extracts from minutes of meetings of board of directors held February 28 and April 3, 1912, filed April 6, 1912; report of division of capitalization dated April 10, 1912; order as to indorsement of certificates entered April 10, 1912; first supplemental and amendatory petition filed January 8, 1916; report of division of capitalization dated February 17, 1916; hearings held February 23 and March 6, 1916; opinion of the Commission dated March 9, 1916. Application having been made by Erie Railroad Company by supplemental petition filed January 8, 1916, under section 55 of the Public Service Commissions Law, for an order amending and supplementing the order of April 1, 1912, so as to provide that the \$10,000,000 face value of present Series "C" convertible bonds, executed under its general mortgage of April 1, 1903, and now owned by Erie Railroad Company, may be dated October 1, 1915, and designated as Series "D" bonds and made convertible into common capital stock on the basis of \$100 face value of bonds for \$200 par value of common capital stock after April 1, 1918, and prior to October 1, 1927; and for authority to issue \$20,000,000 of common capital stock to be used for the purpose of converting the said \$10,000,000 of Series "C" bonds (changed and re-designated as Series "D" bonds as afore-said); and for the execution of a supplemental indenture with the Guaranty Trust Company of New York, successor trustee, under said general mortgage of April 1, 1903, making certain modifications and changes in said general mortgage. Now therefore, upon the foregoing record,

Ordered as follows: 1. That said Erie Railroad Company is hereby authorized to reissue and re-designate the \$10,000,000 face value of Series "C" bonds heretofore authorized in part by order of the Board of Railroad Commissioners of February 18, 1903, and in part by order of this Commission dated April 1, 1912, all of such bonds to be re-designated as Series "D" bonds, to be dated October 1, 1915, and to be made convertible into common capital stock on the basis of \$100 face value of bonds for \$200 par value of common capital stock after April 1, 1918, and prior to October 1, 1927.

2. That in lieu of the authority contained in said order of April 1, 1912, for the issue of \$15,000,000 of common capital stock to be used only for the purpose of converting said \$10,000,000 of Series "C" convertible bonds issued under said general mortgage of April 1, 1903, on the basis of \$100 face value of bonds for \$150 par value of common capital stock on or before the 1st day of April, 1915, which said authorization has expired, said Erie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue its common capital stock to the

amount of \$20,000,000 par value, which said common capital stock shall be issued and used for the purpose of converting the said \$10,000,000 of Series "D" bonds herein authorized, or the additional Series "D" bonds, or any part thereof, authorized in the Commission's order of even date herewith in case No. 5374; or at its option and in its discretion said Erie Railroad Company in place of such last mentioned issue of \$20,000,000 of its common capital stock may and is hereby authorized to issue and use for the purpose of the said conversion of Series "D" bonds \$20,000,000 of common capital stock which was heretofore authorized for the conversion of \$10,000,000 of Series "A" bonds issued under said general mortgage of April 1, 1903, the conversion rights of which Series "A" bonds have terminated. That the approval of this Commission under the signatures of its Chairman and Secretary shall be indorsed upon the certificate or certificates as to such increase of capital stock which are to be filed by the Erie Railroad Company in accordance with the provisions of the statute in such cases made and provided.

3. That this Commission hereby consents to the execution by said Erie Railroad Company of the proposed supplemental indenture with the Guaranty Trust Company of New York, successor trustee, under said general mortgage of April 1, 1903, making certain modifications and changes in said mortgage which are necessary or desirable in connection with the aforesaid reissue of said Series "C" bonds under their new designation of Series "D" bonds, and in connection with the issue of additional Series "D" bonds authorized and consented to by this Commission in its order bearing even date herewith in case No. 5374, a copy of which proposed supplemental indenture was filed in this proceeding as exhibit "J" on February 18, 1916, and the form of which indenture is hereby approved. That upon the execution and delivery of said proposed supplemental indenture so authorized there shall be filed with this Commission a copy of said supplemental indenture in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the supplemental indenture as so executed and delivered is the same as that herein approved by this Commission.

4. That the convertible Series "C" bonds authorized by the order of April 1, 1912, when changed and re-designated as Series "D" as hereinbefore provided for, shall be sold and disposed of at not less than 85 per cent of their face value, so as to realize \$5,740,000 net to the corporation after payment of a commission of 3 per cent of the face value of the bonds to the syndicate which at the instance of the corporation has been formed to underwrite the sale of such bonds.

5. That none of the said Series "D" bonds herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall be expressly approved and authorized hereafter by this Commission.

6. That the provisions of said order of April 1, 1912, as amended and supplemented by this order, shall apply to the Series "C" bonds authorized by that order when reissued and re-designated as Series "D" bonds pursuant to the authority contained herein.

7. That the Erie Railroad Company shall, unless hereafter otherwise ordered by this Commission, upon any conversion of said Series "D" bonds into common capital stock of the corporation as herein authorized, forthwith charge its profit and loss account the discount of \$50 per share of common capital stock which will result from such conversion of bonds at the rate of \$200 of stock for each \$100 of bonds.

8. That the Erie Railroad Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and

conditions of such sale. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of the report shall set forth such fact.

9. That upon the issue of any stock pursuant to the authority contained herein full report shall be made of such stock, the number of shares issued, to whom, and what bond or bonds were retired for said stock.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof, the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its term and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except the commission which is to be paid to the underwriting syndicate; further determined that the discount which shall result from any conversion of said bonds into common capital stock is properly chargeable to profit and loss account.

[Case No. 3981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN BOARD OF THE TOWN OF ALEXANDER, Genesee county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, asking under section 53 of the Railroad Law that gates be erected or a flagman stationed "at all reasonable hours" at a grade crossing of said company's railroad and a highway at the Alexander station.

In this case an order was duly entered by the Commission on the 7th day of January, 1914, closing the case upon the records of the Commission for the reason that the complaint herein had been satisfied by the respondent, which fact is recited in said order; subsequently there was some correspondence between representatives of the Commission and the complainants in this case concerning the crossing which was the subject matter of said order, and in accordance with a custom which had then prevailed in this Commission for a long time, this case was entered on the records of the Commission as reopened, although no order of the Commission has ever been made to that effect; subsequently the railroad company came to the Commission in cases Nos. 5248 and 5249, asking for improvements at the crossing involved in this case and another grade crossing of said railroad company in the town of Alexander, and the Commission made certain orders in those cases satisfactory to the railroad company and to the town board of the Town of Alexander, which orders comprehended and adjusted all complaints of said town board in this case. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of this Commission.

[Case No. 4547]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the proposed suspension of operation of
BUFFALO AND SUSQUEHANNA RAILWAY between Wells-
ville and Buffalo.

An action was brought in the Supreme Court of New York for a foreclosure of a mortgage upon the property of the Buffalo and Susquehanna Railway Company, a receiver of said property was appointed, and an order made directing said receiver to discontinue the operation of the railroad owned by said Buffalo and Susquehanna Railway Company from Wellsville to Buffalo. This case was instituted by the Commission without formal order for the purpose of protecting the public if possible against the discontinuance of said railroad. The property of said company has since been sold in pursuance of said judicial proceedings to the Wellsville and Buffalo Railroad Corporation, which corporation by order of this Commission dated February 15, 1916, was given permission to operate said railroad and to exercise the franchise formerly possessed by the Buffalo and Susquehanna Railway Company. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5124]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CORNING AND
PAINTED POST STREET RAILWAY *against* LEROY D.
BECRAFT, alleging that he is unlawfully operating a
stage route or bus line in the city of Corning.

This case comes to the Commission by the filing of a complaint July 15, 1915, by the Corning and Painted Post Street Railway, alleging the respondent, Leroy D. Becraft, was then unlawfully operating a so called jitney bus from Brown's Crossing on the east, through streets of the city of Corning, to Painted Post on the west; the respondent filed his answer to said complaint August 24, 1915, wherein it is stated that in the judgment of the respondent public convenience and necessity required the operation of said auto bus, and that the respondent had applied for a permit from the common council of the City of Corning to operate said auto bus through city streets. A hearing was held by the Commission in this case in the city of Corning on the 22nd day of November, 1915, at which time Mr. Ross M. Lovell, of the firm of Stanchfield, Lovell, Falck and Sayles of Elmira, appeared as the attorney for

the complainant; and the respondent Leroy D. Becraft, with his attorney, Mr. Guy W. Cheney of Corning, also appeared; on said hearing it appeared from the statements of the interested parties that pursuant to the direction of the Commission the said respondent had ceased operating his said auto bus through the streets of the city of Corning, and then filed with the Commission an application for a certificate of convenience and necessity for such operation, which was made into a case, separate from the one under consideration; the attorney for the complainant stated at said hearing that he was satisfied that the respondent had complied with the direction of the Commission and ceased operating the said auto bus, and announced his withdrawal of the complaint herein. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5374]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day
of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY for authority to issue \$18,000,000 in general mortgage 4 per cent 50-year convertible bonds, and \$36,000,000 common capital stock for the conversion; also for authority to make certain modifications in the general mortgage; also for authority to increase capital stock.

Petition filed January 8, 1916; report of division of capitalization dated February 17, 1916; hearings held February 23 and March 6, 1916; opinion of Commission dated March 9, 1916. Application having been made by the Erie Railroad Company by petition filed January 8, 1916, under section 55 of the Public Service Commissions Law, for an order authorizing it to issue \$18,000,000 of 4 per cent Series "D" convertible bonds under its general mortgage dated April 1, 1903, which said bonds are to be dated October 1, 1915, and to be convertible into common capital stock after April 1, 1918, and prior to October 1, 1927, on the basis of \$100 face value of bonds for \$200 par value of common capital stock; and for authority to issue \$36,000,000 of common capital stock to be used for the purpose of converting said \$18,000,000 of Series "D" bonds, all as by said petition more fully appears. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue under its general mortgage dated April 1, 1903, and the supplement thereto, the form of which is approved and the execution of which is consented to by this Commission by supplemental order bearing even date herewith in case No. 2845, \$18,000,000 face value of convertible 4 per cent bonds, which said bonds shall be designated as Series "D" bonds, shall be dated October 1, 1915, and to be convertible into common capital stock of the company after April 1, 1918, and prior to October 1, 1927, on the basis of \$100 face value of bonds for \$200 par value of common capital stock.

2. That the Erie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to increase and issue its common capital stock of the par value of \$36,000,000, which said common capital stock shall be issued and used solely for the purpose

of converting the \$18,000,000 of Series "D" bonds herein authorized, or additional Series "D" bonds, or any part thereof, authorized in the order bearing even date herewith in case No. 2845, provided that any part of said stock not issued for the purpose of converting the said bonds on or before October 1, 1927, shall not thereafter be issued without the further order of this Commission; and that the approval of this Commission, signed by its Chairman and Secretary, shall be indorsed upon such certificate or certificates as to such increase in capital stock, which shall be filed by the Erie Railroad Company in accordance with the provisions of the statute in such cases made and provided.

3. That none of the said \$18,000,000 of Series "D" 4 per cent convertible bonds shall be sold or disposed of for less than 85 per cent of their face value so as to realize net proceeds of at least \$15,300,000, provided however that of such bonds, \$9,627,130 face value may be sold to realize \$7,894,246.60 net to the corporation after the payment of a commission of 3 per cent of their face value to the syndicate which at the instance of the corporation has been formed to underwrite the sale of \$19,627,130 of said Series "D" bonds, consisting in addition to the aforesaid \$9,627,130 of the \$10,000,000 authorized by the Commission in its order of even date herewith in case No. 2845.

4. That the proceeds of said \$18,000,000 of 4 per cent convertible bonds which are to be issued under said general mortgage of April 1, 1903, and certified to the company by the trustee for the uses and purposes as provided in said mortgage, shall be used and applied toward the following purposes and no others, to wit:

- (a) The refunding of such part of the \$10,000,000 of 5% notes maturing April 1, 1916, as shall remain after the application of the proceeds of the \$7,000,000 of Series "C" bonds pledged as security thereunder, when changed and sold as provided in order bearing even date herewith in case No. 2845:
- | | | |
|---|--------------|-------------|
| Face value of notes..... | \$10,000,000 | |
| Proceeds of \$7,000,000 bonds at 82%..... | 5,740,000 | |
| | | \$4,260,000 |
- (b) The reimbursement of the treasury of the company for moneys actually expended from income within five years prior to the filing of this application for capitalizable purposes to the amount and extent of the expenditures from the proceeds of the \$10,000,000 of 5% notes, as such reimbursement was authorized and provided for in the order of April 1, 1912, in case No. 2845, due proof of such expenditures as therein provided having been made..... 9,750,000
- (c) The refunding of the \$13,280,000 of three year 5½% notes maturing April 1, 1917..... 13,280,000

5. That none of the said Series "D" bonds herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall be expressly approved and authorized hereafter by this Commission.

6. That the Erie Railroad Company shall for each three months' period ending March 31st, June 30th, September 30th, and December 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

7. That upon the issue of any stock pursuant to the authority herein contained full report shall be made of such stock, the number of shares issued, to whom, and what bond or bonds were retired for said stock.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto, and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation duly author-

ized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except the commission which is to be paid to the underwriting syndicate; further determined that the discount which shall result from any conversion of said bonds into common capital stock is properly chargeable to profit and loss account.

[G. C. Case No. 462]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of what are locally known as the Martin, Mott, and Bussey grade crossings of its railway in the town of Rockland, Sullivan county.

Ordered: 1. That the second and final settlement entered into by the New York, Ontario and Western Railway Company with the Town of Rockland, showing expenditures to the amount of \$6730.16 properly and necessarily incurred since the intermediate settlement of July 7, 1915, in carrying out the Commission's order in the above entitled matter, be and is hereby approved, the said entire sum of \$6730.16 having been expended by the town, and the settlement accepted by the railway corporation as indicated by the signature of its chief engineer, and by the Town of Rockland as indicated by the signature of its supervisor.

Ordered: 2. That of the total amount of \$6730.16 thus expended and herein accounted for, the share of and amount chargeable to the State of New York is \$1682.54, which is now due from and properly payable by the State to the Town of Rockland; and the share of the railway corporation is the sum of \$3365.08, which is now due and payable by the said railway corporation to the Town of Rockland.

162 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the Erie Railroad in said city.

Upon the recommendation of the Erie Railroad Company, as indicated by the signatures respectively of its chief engineer and engineer of bridges and buildings upon plans for railings upon retaining walls in the matter above entitled, and upon the approval of the City of Jamestown as similarly indicated upon said plans by the signature of its city engineer, it is

Ordered: That detail plans, sheets Nos. 13 and 14, dated respectively December 8, 1915, and January 5, 1915, upon which are shown the gas-pipe railings proposed to be placed upon the new walls on the south side of the tracks west of Main street, said railings being properly a charge upon the elimination cost, be and are hereby approved.

[Case No. 2485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the New York Central and Hudson River Railroad by county highway No. 573, in the town of Webster, Monroe county.

Upon the recommendation of The New York Central Railroad Company, as indicated by the signature of its chief engineer upon the canvass sheet of bids on file with this Commission for various classes of work required to be performed under the determination of the Commission in the matter above entitled, and upon the approval of the State Department of Highways as similarly indicated upon said sheets by the signatures respectively of I. J. Morris, secretary, and H. E. Breed, first deputy commissioner, it is

Ordered: That the unit price proposal which appears upon said canvass sheet as having been submitted by C. W. Reynolds shall be and the same is hereby approved. Expressly provided, nevertheless, that as conditioned by the State Department of Highways in giving its said approval, no field construction is to be begun until all of the land necessary for the approaches in this matter provided for has been secured by the State.

[Case No. 4428]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of JAMES T. LENNON AS MAYOR OF THE CITY OF YONKERS *against* THE YONKERS ELECTRIC LIGHT AND POWER COMPANY as to prices charged residents for electricity.

At a hearing held before the Commission at its New York office on March 10, 1916, it was agreed between the representatives of The Yonkers Electric Light and Power Company, the City of Yonkers, and the Chamber of Commerce of the City of Yonkers, that the investigation of the rates of The Yonkers Electric Light and Power Company should be suspended until such time as the franchise litigation now pending between the corporation and the city should be decided by the Court of Appeals, but in any event not later than January, 1917. The representatives of the corporation stated that in view of such stipulation it would immediately reduce its maximum rate for lighting to twelve cents and its maximum rate for power to ten cents, no other changes to be made on its existing rates except that it desired to put into effect a minimum monthly charge of \$1 for each lighting installation. Permission was also requested to make this reduction in rates effective as of March 15, 1916, and to apply to all bills rendered for electric energy sold from and after February 15, 1916. It appearing to the Commission that such reduction in rates would undoubtedly be for the benefit of the customers of the corporation, and inasmuch as it is desired to put said rates into effect as of March 15, 1916, to cover all bills for electric energy supplied from and after February 15, 1916, it is

Ordered: 1. That said The Yonkers Electric Light and Power Company be and it hereby is authorized to put into effect as of March 15, 1916, its revised schedules providing for a maximum charge of twelve cents (12c) per kilowatt hour for electric energy used for electric lighting purposes, with a minimum monthly charge of \$1 for each lighting installation, and a maximum rate of ten cents (10c) for electric energy used for power purposes; such changes in rates to become effective March 15, 1916, in accordance with the agreement between the respective parties reached at the aforesaid hearing held on March 10, 1916. Such revised schedules issued as of March 14, 1916, and effective March 15, 1916, shall be filed with the Commission in accordance with its rules relating thereto.

[Case No. 5110]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ROCKLAND LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$100,000 in 5 per cent bonds to be secured by an existing mortgage. Substitute petition asking for consent to issue \$200,000 common capital stock.

Petition filed August 24, 1915; report of division of capitalization dated November 27, 1915; company's comments on said report dated January 1, 1916; certificate of increase of capital stock dated January 8, 1916; substitute petition filed January 19, 1916; preliminary report of electrical engineer dated February 29, 1916; report of division of capitalization dated March 7, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Rockland Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$200,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

2. That said stock of the par value of \$200,000 so authorized, or the proceeds thereof to the amount of \$200,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations outstanding December 31, 1915, as detailed in schedule I of the petition, or their renewals.....	\$162,000.00
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from December 31, 1912, to November 30, 1915, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	25,234.81
(c) For proposed construction, completion, extension, and improvement of the petitioner's facilities now under way, as detailed in schedules O, P, and Q of the petition herein.....	123,374.79
	<hr/>
	\$310,609.60

Amount unprovided for..... \$110,609.60

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company, or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission.

3. That if the said stock of a total par value of \$200,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds

of more than \$200,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

4. That the Rockland Light and Power Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

5. That the Rockland Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

6. That this proceeding shall be and hereby is continued on the records of the Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner herein shall have been concluded, and the corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company.

7. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5138]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the petition of WILLIAM B. GRAY for consent to assign to New Rochelle Autobus Corporation a certificate dated October 20, 1915, from this Commission to him, for the operation of a stage route by auto busses in the city of New Rochelle.

This matter having come on for a hearing on March 6, 1916, upon notice to the several parties who had appeared upon the original application for the granting of the certificate of convenience and necessity herein mentioned, the applicant having been represented at the said hearing by his attorney Thomas Gilleran, esq., of New York city; The New York, New Haven and Hartford Railroad Company having been represented by its attorney Charles M. Sheafe, jr., esq.; and The Westchester Electric Railroad Company not having appeared by counsel or otherwise at the said hearing; and the reasons which have led the applicant to request the consent of this Commission to an assignment of the certificate of convenience and necessity heretofore granted him having been duly explained, and the Commission being of the opinion that its consent to such assignment may properly be given, it is hereby

Ordered: That the consent of this Commission to an assignment to the New Rochelle Autobus Corporation by the said William B. Gray of all his right, title, and interest to, in, and under the certificate of convenience and necessity which has heretofore been granted by this Commission to the said William B. Gray to operate a motor bus line upon four specified routes in the city of New Rochelle, be and the same hereby is given and granted.

[Case No. 5381]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of Employees who live in Buffalo of the Lackawanna Steel Company, at Lackawanna, against George Bullock, Receiver Buffalo and Lake Erie Traction Company, alleging poor service in the morning and evening.

A complaint was filed in this case by residents of the city of Buffalo who are patrons of the Buffalo and Lake Erie Traction Company's railroad which runs from the corner of Clinton and Washington streets in the city of Buffalo to and beyond the Lackawanna Steel plant in the city of Lackawanna, where said complainants are employed; the allegation is made that during rush hours, which are the times when said complainants use the cars of the

respondent both in going from their homes to their work and returning, such cars run irregularly, sometimes from five to twenty minutes apart, and then such cars would be bunched, causing some of said cars to be overcrowded and others to be run without being filled, thus rendering such service unsatisfactory and inadequate. The receiver of the Buffalo and Lake Erie Traction Company filed his answer with the Commission on the 28th day of January, 1916, wherein the allegations of the complaint are substantially admitted, but the statement is made that by reason of unusual conditions of the weather and water upon the tracks, causing interference with the motors, the respondent was unable to furnish sufficient cars for the transportation of the passengers between Lackawanna and Buffalo; the receiver also outlines a plan in his answer for the leasing of a sufficient number of cars whereby such passenger traffic would be adequately cared for and a two and one-half minute headway during the rush hours would be established and maintained for the benefit of complainants and others traveling between said points. A hearing was held in this case in the city of Buffalo on the 9th day of March, 1916, at which Mr. Lyman M. Bass appeared on behalf of the firm of Kenefick, Cooke, Mitchell and Bass, the attorneys for said receiver, but none of the complainants appeared at said hearing; notwithstanding the non-appearance of the complainants, the sitting Commissioner proceeded with an examination into the matter of additional equipment and improved service which were stated in said answer; and on said hearing the superintendent of the Buffalo division of the respondent's railroad which covers the territory in question was sworn as a witness, and it satisfactorily appears from his testimony that the respondent has leased several cars from the International Railway Company of Buffalo, and the same are now in service on the railroad of the respondent between the city of Buffalo and the city of Lackawanna, and during rush hours, both in the morning and evening, there is an established schedule for the running of said cars both ways so that the headway is from two and one-half to three minutes' time; this service seems to be entirely satisfactory, and the installation of the same is probably the reason that none of the said complainants appeared at said hearing. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 1332]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EAST CREEK ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a mortgage upon all its property for \$3,000,000, and to increase its capital stock from \$200,000 to \$750,000.

Fourth
supplemental
order.

Original petition filed November 22, 1909; second supplemental petition filed June 4, 1915; report of division of capitalization dated September 18, 1915; report of electrical engineer dated December 20, 1915; final report of division of capitalization dated January 5, 1916; report of division of capitalization dated February 29, 1916; third supplemental order entered March 7, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the East Creek Electric Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the

Public Service Commissions Law, to issue \$24,000 face value of its 5 per cent 50-year first and refunding mortgage gold bonds under a certain indenture given to the New York Trust Company as trustee, dated the 1st day of May, 1910, to secure an authorized issue of a total face value of \$3,000,000.

2. That said bonds of the total face value of \$24,000 shall be sold for not less than 85 per cent of their face value and accrued interest, to give net proceeds of \$20,400.

3. That said bonds of the face value of \$24,000 so authorized, or the proceeds thereof to the amount of \$20,400, shall be used solely and exclusively for the payment of debt incurred account of capital expenditures other than Inghams Mills development, from May 1, 1909, to December 31, 1914, as detailed in schedule D attached to the supplemental petition herein filed June 4, 1915, \$20,590.04. Proceeds of securities herein authorized for this purpose, \$20,400; excess of proceeds of securities authorized by order herein dated March 7, 1916, over proposed expenditures designated therein, \$441.17: \$20,841.17; net excess of proceeds, \$251.13.

4. That if the said bonds of a total face value of \$24,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$20,400, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the East Creek Electric Light and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the East Creek Electric Light and Power Company shall file, not more than fifteen days from the end of each calendar year, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day
of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman.
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL
AND HUDSON RIVER RAILROAD COMPANY for the elimina- Modification
tion of the grade crossing of Shatzell street over its of order.
tracks at Rhinecliff.

On June 13, 1912, this Commission in the above entitled matter ordered that the Shatzell Street grade crossing of the New York Central and Hudson River railroad be abolished, and that highway traffic be diverted to a new overgrade crossing to be constructed about five hundred (500) feet north of the old grade crossing, said overgrade crossing to be located approximately in line with a continuation of Hutton street. The railroad company proposed to build a new passenger station adjacent to the easterly end of such overgrade crossing, to construct a new station approach, and to provide other station facilities. At the various hearings in the proceeding the advisability of having a new approach to the new station, extending northerly from the new station grounds through what is known as the Holiday Farm and joining the main highway between Rhinecliff and the village of Rhinebeck, known as Orchard street, was recognized, as shown by paragraph (d) of the order of June 13, 1912, said paragraph being as follows:

(d) That a northerly approach through the Holiday Farm is desirable to give proper access to the overhead bridge crossing, and said approach should be included as part of the expense of elimination provided the land there can be acquired at a reasonable amount. The price of \$25,000 for this right of way as shown by the record is, however, too great to justify the Commission in providing said approach as part of the present order. These proceedings may, however, be reopened on application from the railroad company, the town board of Rhinebeck, or the Public Service Commission on its own motion, if it appears later that arrangements have been made for the purchase of said right of way at a price which will justify the State in contributing its share to the cost of such approach.

The overgrade crossing and its approaches, together with the new station, have been built, and are and for some time have been in use, the completed work having been approved by the Commission. On account of the steep descending grades on Hutton and Corning streets (streets running in an easterly and westerly direction) from Orchard street westerly toward the new station, the use of these streets by vehicles is considered dangerous, and traffic from the north, station bound, is required to make a detour via Shatzell and Charles streets, an additional distance of about 1200 feet, the turn at the junction of these two streets being also considered dangerous on account of the grade of Shatzell street and the restricted views.

It appears from a petition dated July 26, 1915, by the town board of the Town of Rhinebeck, asking for a reopening of this proceeding and for an order requiring the construction of said new approach through the Holiday Farm, that the ownership of this farm has since the issuance of the original order passed to Mr. Vincent Astor, who has offered to donate to the town the land necessary for the new approach through that farm to the new station, and in addition proposes to donate to the railroad company a piece of land lying adjacent to and northerly of the existing station plaza in order to provide additional room for the turning and parking of vehicles. Upon this petition the Commission, after notice to all parties in interest, held a hearing at Albany on October 19, 1915, at which A. Lee Wager and John E. Mack appeared for the petitioner; George H. Walker for The New York Central Railroad Company, not in opposition; and Frank E. Wilson for certain property owners. A large number of residents of Rhinecliff and vicinity was also

present, although the individual appearances were not noted. There was no opposition to the proposed construction, which is shown generally upon a plan marked "Applicant's Ex. No. 1," presented at the hearing.

A conference was also held at Albany on March 7, 1916, Messrs. Pottenburgh, Wager, and Rapelje, respectively supervisor, attorney, and county engineer, representing the town; and Messrs. Walker, attorney, and Dougherty, district engineer, the railroad; at which the town agreed, such agreement being entered upon the minutes, that it would as an agent for the railroad company grade and construct the new roadway through the Holiday Farm and build the necessary retaining walls for a lump sum of not to exceed ten thousand dollars (\$10,000), everything included: said sum being considerably less than the cost of constructing said roadway and walls as estimated by the engineers of the railroad company and of this Commission. Upon this condition the railroad company thereupon agreed, and consent thereto was entered upon the minutes, that it would, without cost to either the State or the Town of Rhinebeck, transfer title to a strip of land necessary for the continuation of said new roadway across its station lands to a junction with Hutton street; and further agreed to make no charge for any of the pavement now in existence upon that part of its private driveway located upon such strip or for the retaining wall located upon the easterly side thereof. It was further mutually agreed between the railroad company and the town, such agreement being entered on the minutes, that owing to the additional surface water which the existing drainage system, constructed and paid for by the railroad company, lying to the west of the proposed highway, will be required to carry, to the character of the material through which the new highway will pass, and to the expense which the railroad company has already incurred in its construction, the future cost of maintaining such portion of the existing drainage system shall be borne in equal amounts by the railroad company and the town; that the railroad company reserves the right to furnish the labor, material, and supervision necessary for the maintenance of that part of the drainage system within the limits of its private property and westerly of the proposed highway. Therefore

Ordered: 1. That the petition be and it hereby is granted, and that a new station approach through the Holiday Farm be constructed and the plaza at the station be widened substantially as shown upon general plan exhibit No. 1 of October 19, 1915. The new roadway shall join the present station approach at the existing turn on the continuation of Charles street, and proceed thence in a northerly direction to a junction with Orchard street at a point a short distance north of the present junction of said Orchard street with the private roadway at present leading to the Holiday Farm. Beginning at the southerly or station end, the new highway shall be graded level around the turn; thence proceeding northerly its grade shall ascend at the rate of about seven (7) per cent a distance of about three hundred ten (310) feet; thence continuing to ascend on about a three and three-tenths (3.3) per cent grade about three hundred twenty (320) feet long; thence descending on about a six and one-half (6½) per cent grade to the junction with Orchard street: it being understood that vertical curves not less than fifty (50) feet long connect all changes in rates of grade. The new highway shall be graded to a width of thirty (30) feet for a distance of about four hundred (400) feet from its southerly end, and for the balance of the distance to a width of twenty-five (25) feet. Gutters eighteen (18) inches wide on each side of the roadway shall be provided, making the widths available for traffic twenty-seven (27) feet and twenty-two (22) feet respectively. A retaining wall on the east side of this new road at its southerly terminus shall be constructed of such dimensions as may be found requisite. An additional area of form and dimensions approximately as shown on said plan, and which is to constitute an addition to the station plaza, shall be graded, paved, and otherwise improved to correspond with the improvements on the station plaza as it exists at the present time, the cost of such work to be a proper charge upon the improvement herein provided for.

2. That the Town of Rhinebeck, acting as agent for the railroad company, shall in compliance with its agreement construct the new roadway as heretofore specified for a lump sum of not to exceed ten thousand dollars (\$10,000),

said sum to include all charges for engineering as heretofore and hereafter incurred by the railroad company and the town, costs of grading, surfacing, ditching, drainage, retaining walls, dressing of slopes, and any and all costs necessary to construct a roadway satisfactory to the town authorities.

3. That the railroad company in compliance with its agreement shall transfer title to a strip of its land for a continuation of the new roadway to Hutton street, to the Town of Rhinebeck, and make no charge against either the town or the State for such land, the pavement on the existing station approach, or the retaining wall on the easterly side thereof.

4. That the drainage from the proposed new roadway through the Holiday Farm be led to the existing drainage system owned by and upon the lands of the railroad company, and that the cost of maintenance of said existing drainage system shall be borne by the railroad company and the Town of Rhinebeck in equal amounts; but such existing drainage system being on the lands of the railroad company, the latter shall have the right to furnish the labor, materials, and necessary supervision for such maintenance, the town to pay one-half the cost thereof upon rendition of bills therefor.

5. That in accordance with the aforesaid consent the Town of Rhinebeck shall assume, pay, and discharge so much of the entire cost and expense of the construction and work herein authorized and provided for, except the extension of the station plaza, including the cost of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue hereof, as shall exceed the sum of ten thousand dollars (\$10,000), which last mentioned sum is to be paid by the railroad company, the Town of Rhinebeck, and the State of New York respectively, in such proportions as fixed by statute in such case made and provided; this order being granted upon the express condition consented to by the railroad company that it will transfer title to the Town of Rhinebeck, free of cost to the town and the State, a strip of land necessary for the continuation of the new roadway herein provided for across its station lands to a junction with Hutton street, and that it will make no charge for any of the pavement now in existence upon such strip of land or for the retaining wall located upon the easterly side thereof. This order is granted upon the further express condition that no financial liability or obligation whatsoever on account of the construction of such roadway in excess of one-quarter of ten thousand dollars (\$10,000) shall attach to or fall upon the State of New York, nor an amount in excess of one-half of said sum of ten thousand dollars (\$10,000) upon the railroad company; or that any part of such cost exceeding ten thousand dollars (\$10,000) shall be charged upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise.

This order is further granted upon the express condition that the cost of construction of the extension of the station plaza shall be borne in the statutory proportions by the railroad company, the Town of Rhinebeck, and the State of New York, such total cost being estimated at about three thousand dollars (\$3000).

The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of the construction of the roadway through the Holiday Farm in excess of one-quarter of the sum of ten thousand dollars (\$10,000), amounting to the sum of two thousand five hundred dollars (\$2500), no interest to be added.

172 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to changing the crossing at grade of the Erie railroad and a highway known as State Route 39-B, section 6, in the town of Clarkstown, Rockland county, to an undergrade crossing of the railroad.

Ordered: 1. That an accounting entered into by the Erie Railroad Company with the State Commission of Highways and this Commission showing expenditures to the amount of \$33,726.81, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$28,536.91 has been expended by the railroad corporation and the sum of \$5189.90 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$33,726.81 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$16,863.40, and the share of the State of New York is the sum of \$16,863.41, upon which it is entitled to a credit of the sum of \$5189.90 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said Erie Railroad Company from funds appropriated for the improvement of highways the sum of \$11,673.51.

[Case No. 4933]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of inquiry instituted by the Commission as to the FEDERAL TELEPHONE & TELEGRAPH COMPANY rendering certain service without charge, and as to certain pay stations.

The respondent has filed tariffs in accordance with the rulings of the Commission in this case. It appears also from the statements made by the respondent that it is now charging for service in accordance with its tariffs at the several points specified in this case, and that the excess pay stations as specified have been discontinued; therefore

Ordered: That this case be and is hereby closed upon the records of this Commission.

[Case No. 5198]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of GEORGE G. HOPKINS, JR., AND OTHERS of the hamlet of Jonesville, town of Ballston, Saratoga county, *against* NEW YORK TELEPHONE COMPANY as to increase in rates, and asking for definite contract.

The complainants in this case protest against an increase in rates from \$15 to \$18 per annum for multi-party service in the Jonesville district of the respondent, and allege that the charge is excessive and discriminatory as compared with rates for similar service in other localities, and that the service is inferior because too many subscribers are connected on some of the lines making a further discrimination because the lines are unequally loaded. The complaint was filed on September 22, 1915, and hearings were held on November 10, 1915, and February 2, 1916. The evidence at the first hearing consisted mainly of the individual experiences of four witnesses as to their use of the service, and their general impression that the increase in rate was not justified by any improvement in the service. The evidence in these matters being somewhat diversified, and no proof being offered to show that the respondent was earning an excessive revenue under the advanced rate, it was deemed advisable by the Commissioner sitting to have an inspection made by a representative of the Commission to determine the general conditions then existing. Such an inspection was made, a report being rendered to the Commission on December 22, 1915, a copy of which was served upon the respondent. The report shows that the lines of the respondent in the Jonesville district were mapped, and each of the two hundred and fifty-one subscribers served in the district were located, and a three days' traffic record made of each of the calls originated by each subscriber within the district. The inspection included the central office equipment, the general characteristics of the service rendered, and a portion of the outside plant. There being no complaint concerning the physical condition of the plant, a complete inspection of all pole lines was not undertaken. The traffic study shows that during the three days' test the Jonesville subscribers originated 1831 local calls and 207 toll calls. The local calls were fairly evenly distributed throughout the district, showing no locality that could well be separated without a distinct disadvantage to the whole. The use of the service further shows a fair average calling rate for a rural locality, and that the preponderance of use is local. In the matter of the number of subscribers on the several lines, it was found that five circuits served eleven subscribers each, one circuit served ten subscribers, six circuits served nine subscribers, and the balance eight or less. The report contained recommendations that the respondent undertake a re-association of the subscribers on the more heavily loaded lines, or new construction to relieve the overload; that both complainants and the respondent cooperate to establish the practice of limiting conversations to a five-minute period; and that a toll rate of 5 cents be established between Jonesville and Schenectady, and between Jonesville and the Troy group.

At the last hearing the respondent showed that it had complied with the recommendations relative to the re-association of lines, leaving but two lines serving ten subscribers each, while a better distribution was made of the balance. Both complainants and respondent agreed to cooperate with a view of limiting the duration of conversations to a reasonable period. It is recog-

nized that this feature presents difficulties beyond the power of exact regulation and must necessarily be left largely to the consensus of opinion among the subscribers themselves. It was shown by the respondent that a reduction in the toll rate from Jonesville to Troy would create a discrimination as compared with like distances between other points, and would further involve the basis of toll charges now existing throughout the State. Some features with regard to the toll rate from Jonesville to Schenectady were taken under advisement by the respondent, and since the hearing the Commission is in receipt of statement that the company will establish a separate area with a center at Burnt Hills or Ballston Lake which will enable it to give a 5 cent toll rate from this new area to Schenectady. It appears from the foregoing that there is no evidence that the rate of \$18 per annum for multi-party service is excessive. On the other hand, the conditions in general are shown to be similar to other localities similarly situated with service and rates fairly comparable. While there is a technical discrimination in regard to those lines carrying but two or three subscribers as compared with other lines carrying a maximum of ten subscribers, this can not be considered an illegal discrimination. It is a condition necessarily incident to the development of the business. The complainants have received substantial relief in the re-association of the stations, and will receive further benefit from the establishment of a separate area for the portion of the district most closely associated with Schenectady. It is therefore

Ordered: That this complaint be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5382]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of WILLIAM J. BERKSON of New Rochelle against NEW YORK TELEPHONE COMPANY as to charge for short term telephone service in Port Chester, the service having been discontinued.

Complaint having been made by William J. Berkson of New Rochelle, N. Y., against New York Telephone Company as to the rate charged for telephone service at complainant's office at No. 1 North Main street, Port Chester, N. Y., and particularly against the action of respondent in applying to complainant's case the so called "short term" rate provided for in respondent's standard contract, which in the present case resulted in a charge of \$14.61 against complainant for two months' telephone service at his said place of business; and respondent having filed its answer to said complaint; and the matter having come on for a hearing before this Commission on the 28th day of February, 1916, when testimony was taken and arguments were made on behalf of both parties to the proceeding; and it having been stated at the said hearing that complainant's purpose in bringing the present proceeding was not to escape liability for the amount for which he was liable under his contract, but that complainant's purpose was by bringing this proceeding to hasten a full and thorough investigation by this Commission into the principles and practices which are now observed by respondent in making its rates, and particularly into the question whether telephone contracts should not be made for a shorter period than one year, and into the

propriety of the so called "short term" charge now included in the standard telephone contracts; and the Commission having informed complainant that it proposed, at as early a date as proves to be practicable in connection with the Commission's other work, to inquire into these matters, but that such inquiry would undoubtedly require prolonged and careful study by the Commission and its telephone department into a very intricate problem, and could not therefore be speedily completed or even undertaken in the immediate future; and both parties to the present proceeding having expressed their belief that such an inquiry should be made, and having promised to coöperate therein, and having in the meantime agreed that the present proceeding should be closed upon the records of the Commission, in view of complainant's frank recognition of his contractual obligation to pay the amount heretofore mentioned as due the respondent under the contract between the parties; it is hereby

Ordered: That for the reasons hereinbefore recited this case be and the same hereby is closed upon the records of the Commission, it being expressly understood that in making this closing order the Commission does not undertake to settle in advance any of the questions which may arise in connection with such inquiry as may hereafter be made into the principles of telephone rate making, or into the sufficiency and fairness of the standard form of contract employed by the respondent in the present case.

[Case No. 5384]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$33,300 preferred capital stock, and \$126,000 in 5 per cent 40-year first and refunding mortgage bonds, Series "A".

Petition filed January 14, 1916; report of electrical engineer dated February 18, 1916; report of division of capitalization dated March 7, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Olean Electric Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$126,000 face value of its 5 per cent Series A first and refunding mortgage bonds under a certain indenture given to the Guaranty Trust Company of New York as trustee, dated the 1st day of October, 1913, to secure an authorized issue of a total face value of \$2,000,000.

2. That the Olean Electric Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$33,300 par value of its 7 per cent non-cumulative preferred capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$33,300.

3. That said bonds of the total face value of \$126,000 shall be sold for not less than 85 per cent of their face value and accrued interest, to give net proceeds of \$107,100.

4. That said securities of the par value of \$159,300 so authorized, or the proceeds thereof to the amount of \$140,400, shall be used solely and exclusively for additions, betterments, and extensions made and to be made to the plant and property of the petitioner as detailed in schedule A attached to the petition herein, as follows:

(a) Power plant building.....	\$18,660.00
(b) Furnaces, boilers, and accessories.....	36,800.00
(c) Steam engines	16,900.00
(d) Electric generators	10,425.00
(e) Accessory electric power equipment.....	1,000.00
(f) Sub-station power plant equipment.....	400.00
(g) Dams, canals, and pipe lines.....	4,500.00
(h) Poles and fixtures.....	3,950.00
(i) Line distribution system.....	12,000.00
(j) Line transformers and devices.....	8,300.00
(k) Electric services	6,000.00
(l) Electric meters	6,500.00
(m) Municipal street lighting system.....	7,000.00
(n) Engineering and superintendence, contingencies, and miscellaneous expenditures	8,000.00
	<hr/>
	\$140,435.00

Amount unprovided for..... \$35.00

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company, or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission.

5. That if the said securities of a total par value of \$159,300 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$140,435, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said securities herein authorized shall be hypothecated or pledged as collateral by the Olean Electric Light and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Olean Electric Light and Power Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

8. That the Olean Electric Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during

such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

9. That this proceeding shall be and hereby is continued on the records of the Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner herein shall have been concluded, and the corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5391]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ERNEST C. HUBBARD under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Ogdensburg, it being proposed that the route shall also be operated between the city of Ogdensburg and the hamlet of Winthrop.

Ernest C. Hubbard seeks a certificate of public convenience and necessity for the operation of a stage line by auto busses under the name of Hubbard's Bus Line through the city of Ogdensburg, as a part of a line extending from Winthrop, in the town of Stockholm, through the towns of Brasher, Massena, Louisville, Waddington, and Lisbon. A public hearing was held in Ogdensburg, after due notice, A. J. Hanmer appearing for the applicant; T. M. Ripley, division engineer, for the State Highway Department; and John A. Proctor for the Rutland Railroad Company; but the appearances on behalf of the Highway Department and Rutland Railroad Company were for the

purposes of information and not in opposition to the application. It is proposed to operate along Ford street in the city of Ogdensburg, diverting from the route when necessary in order to drop passengers at their destinations within the city. A street railroad also operates in Ogdensburg but did not appear, and the applicant stated that he intends to charge local passengers within the city the rates permitted by city ordinance to hackmen. The route between Massena and Ogdensburg only will be operated during the coming Summer as the state highway is not built from Massena to Winthrop. The route to Massena was operated under the former statute, one trip being made each way per day. It is proposed henceforth to make two trips each way per day. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Ernest C. Hubbard of an auto stage or bus line or route as provided in the consent heretofore granted by the mayor and common council of the City of Ogdensburg, a copy whereof is attached to the petition herein, to be operated only as a part of a line from said city of Ogdensburg to the hamlet of Winthrop and intermediate points. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Ogdensburg, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto, and is not assignable without the consent of this Commission.

[Case No. 5406]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of J. EDWARD PAIGE under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Ogdensburg, it being proposed that the route shall also be operated between the city of Ogdensburg and the incorporated village of Alexandria Bay.

J. Edward Paige applies for a certificate of convenience and necessity for the operation of a stage route over streets of the city of Ogdensburg and extending thence to the village of Alexandria Bay. A public hearing was held in Ogdensburg, at which D. H. Corcoran appeared for the applicant; and T. M. Ripley, division engineer, for the State Highway Department, but not in opposition. There were no other appearances. It is proposed to operate from the Seymour Hotel in the city of Ogdensburg along Ford street to the west city line, and thence over public highways to Alexandria Bay; and it seems that there is a considerable rural population along the route whose convenience will be served by the operation. There is a street railway in the city of Ogdensburg operating on the same street but there was no appearance in its behalf, and the applicant proposes to charge for local passengers within the city the rate allowed by city ordinance to licensed hackmen. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by J. Edward Paige of an auto stage or bus line or route as provided in the consent heretofore granted by the mayor and common council of the City of Ogdensburg, a copy whereof is attached to the petition herein, to be operated only as a part of a line from said city

of Ogdensburg to the village of Alexandria Bay and intermediate points. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Ogdensburg, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto, and is not assignable without the consent of this Commission.

[Case No. 5417]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of HADDEN BROTHERS of Milltown, near Brewster, against NEW YORK TELEPHONE COMPANY and GEORGE JEUNGST & SONS, asking for telephone service and electric service.

Complaint having been made by the firm of Hadden Brothers of Milltown, near Brewster, Putnam county, New York, against the New York Telephone Company and George Jeungst & Sons, asking for telephone and electric light service on premises now occupied by William W. Hadden near Milltown, about four miles north of Brewster; and the New York Telephone Company having filed its answer to said complaint denying that it has refused or that it now refuses to render telephone service to the complainant, and alleging that it has made efforts to obtain the necessary consents from property owners for the construction of an extension to its existing telephone line in its Brewster central office district, and that it has been unable to secure such necessary consents or rights of way and is unable to secure them at the present time; and the matter having come on for a hearing before this Commission on the 13th day of March, 1916, at which said hearing the complainant was present in person and the New York Telephone Company was represented by its attorney; and the other respondent, the said George Jeungst & Sons, was unrepresented; and it appearing from the proceedings at the said hearing that owing to the repeated refusals of adjoining property owners to grant consents or rights of way, the only possible course open to the New York Telephone Company to secure the construction of the necessary poles and wires along public highways would be for the company to exercise its right of eminent domain and to carry through to a successful conclusion condemnation proceedings brought for that purpose; and the Commission being of the opinion that in view of the comparatively small amount of business which would thus be secured, and the probable cost of such condemnation proceedings, it would not be justified in directing the New York Telephone Company to inaugurate such proceedings at the present time; and assurances having been given by the said the New York Telephone Company at the said hearing, which said assurances were acceptable to the complainant herein, that as an alternative to extending its lines to complainant's premises over the public highway it would take up for consideration, and for further conference with complainant, a plan of carrying its lines to the property of complainant, at complainant's expense, over premises owned by the City of New York, the details of such arrangement and the cost thereof to be hereafter agreed upon between complainant and the said New York Telephone Company; and complainant having stated that he had no objection to the principle involved in such an adjustment of the present controversy, and

that he was willing to contribute as much as he could afford toward the construction cost of an extension on city property; and the Commission believing, under all the circumstances, that a satisfactory adjustment of this controversy can and will be arrived at along the lines indicated, without further action by this Commission, it is hereby

Ordered: That this complaint be and the same hereby is closed upon the records of the Commission, with leave to either party to move to reopen same at a later date if circumstances should then seem to warrant such reopening.

[Case No. 5426]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the WOODLAWN IMPROVEMENT ASSOCIATION TRANSPORTATION CORPORATION under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, alone.

The Woodlawn Improvement Association Transportation Corporation applies for a certificate of public convenience and necessity for the operation of an auto bus line from the Union Station in Albany over certain streets to the junction of Madison and New Scotland avenues, thence on New Scotland avenue to the city line. Two public hearings were held, at the first of which opposition was interposed on behalf of the New Scotland Avenue Transportation Company. At the second hearing this company withdrew all opposition. The application is however vigorously contested by the United Traction Company, operating lines of street railway in the city of Albany and elsewhere. It is urged in the first place that the consent of the City of Albany underlying this application and expressed in an ordinance adopted February 7, 1916, is void, for the reason that it in effect grants a franchise contrary to the requirements of section 37 of the second-class cities law which provides among other things that "in case of a proposed sale or lease of real estate or of a franchise the ordinance must provide for a disposition of the same at public auction to the highest bidder". In the opinion of the Commission the consent of a city to the operation of a bus line or stage route required by section 26 of the Transportation Corporations Law is not the granting of a franchise within the meaning of section 37 of the second-class cities law. It is more in the nature of a license such as those issued to hackmen and others. It is also urged that the proposed operation will result in improper competition with the traction company. New Scotland avenue begins at Madison avenue, about one mile from the center of the city, and extends in a south-westerly direction something less than two miles to the city limits. It passes through a new and rapidly developing residential section of the city. The nearest line of street railroad is along Madison avenue, which throughout this residential section lies from twenty-five hundred (2500) to four thousand (4000) feet from New Scotland avenue. The cross streets now open are few in number and for the most part not well improved. While the building of a street car line on New Scotland avenue has been for a long time urged by property owners, it does not appear that the traction company proposes to construct such a line in the near future. It is therefore quite evident that at present some convenient and cheap means of transportation would not

only serve the convenience of residents of the New Scotland avenue neighborhood but is a real necessity. In passing from the Union Station to New Scotland avenue the proposed bus line will pass over some streets traversed by the lines of the traction company and at no point will it be far distant therefrom. There is therefore a potential competition between the line of the applicant and the traction company in respect of travel between the center of the city and the beginning of New Scotland avenue. The only evidence on this point however is from one witness who testified that he had ridden frequently on a bus formerly operated over this route and had noticed that practically no passengers rode on the bus between points between the intersection of New Scotland and Madison avenues and the center of the city. It would seem therefore that any competition with the lines of the traction company would be merely incidental and so slight as not to affect appreciably the revenues of the traction company. As to travel to points on or near New Scotland avenue itself, if such travel is diverted from the traction company it is because the lines of the traction company are too distant to afford proper means of transportation, and the traction company should not be protected as to this travel at the expense of the needs and convenience of the people in the New Scotland Avenue neighborhood. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Woodlawn Improvement Association Transportation Corporation of an auto bus line, as provided in the consent heretofore granted by the mayor and common council of the City of Albany, a copy whereof is attached to the petition herein, in, over, upon, through, and along Broadway in said city of Albany, from the Union Station north to Orange street, to North Pearl street, to South Pearl street, to Hudson avenue, to Lark street, to Madison avenue, to New Scotland avenue, to the city line; and returning, starting at the city line on New Scotland avenue, thence along New Scotland avenue to Madison avenue, to Lark street, to Hudson avenue, to South Pearl street, to State street, to Broadway, to the Union Railroad Station. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Albany, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5441]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of FRANK L. MASON and the UNION SPRINGS LIGHT AND POWER COMPANY under section 70 of the Public Service Commissions Law for consent to transfer franchise, works, and system of an electric plant owned by Mason to said company, and petition of the company under section 69 for authority to issue \$20,000 common capital stock.

Petition filed February 21, 1916; certified copy of articles of incorporation filed March 10, 1916; petition filed September 4, 1915 (case No. 5135); copy of inventory of property filed October 7, 1915 (case No. 5135); copy of proposed mortgage filed October 7, 1915 (case No. 5135); report of electrical engineer dated October 15, 1915 (case No. 5135). Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given that Frank L. Mason may transfer to the Union Springs Light and Power Company all of the works, system, and property owned by him, consisting of an electric light plant and a distribution system and appurtenances located in the village of Union Springs, Cayuga county, State of New York, subject however to the lien of two mortgages aggregating \$10,000 and accrued interest thereon not to exceed the additional sum of \$2000, making a total outstanding obligation secured by the property to be transferred not more than \$12,000 as set forth in petition herein.

2. That the Union Springs Light and Power Company is hereby authorized, pursuant to the provisions of section 70 of the Public Service Commissions Law, to acquire the hereinbefore described electric plant from Frank L. Mason.

3. That the Union Springs Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$20,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

4. That said stock of the par value of \$20,000 so authorized, or the proceeds thereof to the amount of \$20,000, shall be used solely and exclusively for the acquisition from Frank L. Mason of all the hereinbefore described electric plant subject to the outstanding indebtedness of not more than \$12,000.

5. That the Union Springs Light and Power Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

6. That the Union Springs Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for the purpose specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for said purpose to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purpose have been charged; (b) a summary of the expenditures for such purpose during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5445]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54 of the Railroad Law (chapter 564, laws of 1915) for consent to discontinue Belle Isle as a freight station.

The New York Central Railroad Company asks permission under section 54 of the Railroad Law for consent to discontinue Belle Isle as a freight station. Belle Isle is about six miles west of Syracuse on the main line. It is a passenger station at which one train a day each way stops. This practice it is intended for the present to continue. A box car was established as a freight station in 1910, chiefly to accommodate a mill which no longer uses the station. The West Shore railroad, operated by the applicant, is at this point parallel to and about one hundred (100) feet from the main line of the New York Central. About eight thousand (8000) feet from Belle Isle station is the Amboy station on the West Shore, an agency station. The nearest village is the village of Amboy. This village can be served as conveniently by the Amboy station and the West Shore as by the Belle Isle station and the main line in respect of freight. The inbound freight business at Belle Isle in 1915 amounted to \$443.01, \$279.44 of this being freight for the Western Union Telegraph Company and the transportation of material for constructing a telegraph line. Shipments from Belle Isle amounted to \$90.37. It seems from the evidence that considering the equal convenience of the Amboy station the amount of business does not warrant the continuance of the Belle Isle station. It is therefore

Ordered: That the consent of the Commission be and the same hereby is given to The New York Central Railroad Company to discontinue its Belle Isle station as a freight station, and upon ten days' notice to cancel all freight tariffs affecting said station.

[Case No. 5450]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of DEXTER AND NORTHERN RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to the issuance *nunc pro tunc* February 14, 1910, \$2000 common capital stock.

Petition filed February 29, 1916; report of division of capitalization dated March 7, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 55 of the Public Service Commissions Law the issuance on February 14, 1910, by the Dexter and Northern Railroad Company of \$2000 par value of its common capital stock, the proceeds of which were used for new construction and the purchase of equipment as detailed on page 4 of the petition herein, is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the securities authorized herein was reasonably required for the purposes specified in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 642]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the DELAWARE AND OTSEGO LIGHT AND POWER COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue \$30,000 common capital stock and \$15,000 first mortgage 5 per cent bonds.

Vacating
show cause
order.

On December 28, 1915, the Delaware and Otsego Light and Power Company and its president, Mr. E. A. Mackey, were ordered to show cause before the Commission on the 12th day of January, 1916, why the Delaware and Otsego Light and Power Company should not file a detailed verified statement showing full compliance with the provisions of a previous order entered herein on November 23, 1915, which required in substance (a) that the company should install and maintain adequate books of accounts and subsidiary records in order to comply with the requirements of the Commission's Uniform System of Accounts for Electrical Corporations; (b) that the proposed journal entries contained in appendix D of the final report of the division of capitalization in this proceeding dated April 7, 1915, should be entered upon the books of the company. At the hearing held January 12, 1916, on the above order to show cause, the president of the company stated that it would immediately comply with the requirements of the Commission by opening and maintaining adequate books of record. The hearing therein was then adjourned subject to the call of the Commission. Under date of February 29, 1916, the division of capitalization reports that it has examined the records which the company has installed and is maintaining in compliance with the Commission's orders, and finds that such records satisfy the requirements of such orders. Now therefore, upon the foregoing record,

Ordered: That the order to show cause entered herein on the 28th day of December, 1915, is hereby vacated.

[Case No. 3298]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 89 of the Railroad Law as to new tracks crossing highways in the town of Frankfort, Herkimer county.

This Commission having determined on December 20, 1912, that existing highways crossing new tracks and certain re-located tracks constructed by The New York Central and Hudson River Railroad Company in the matter above entitled shall be carried under the grade of such new and re-located tracks; and the work referred to in said order having been completely carried out in accordance with the terms and provisions thereof in a manner satisfactory to the railroad company, to this Commission, and to the Town of Frankfort, as shown by letter dated March 10, 1916, from the town superintendent of highways, it is

Ordered: That the completed work be and it is hereby approved by this Commission.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Spring street and Lake street in the city of Ogdensburg at present cross the single track of the New York Central railroad at grade at the same point. The railroad is located on the westerly side of the Oswegatchie river and roughly parallel to the shore line. Spring street lies in an easterly and westerly direction. Lake street and the Oswegatchie river generally have a northerly and southerly direction. The Town of Oswegatchie, including the city of Ogdensburg, has recently constructed a new bridge, consisting of concrete masonry arches over the river within the lines of Spring street as extended; the grade of the roadway thereon being such that if extended westerly it would cross the railroad approximately twenty-six feet above the grade of the track. The new river bridge now terminates at a pier on the westerly shore of the river, and a temporary roadway on a steep grade connecting the permanent roadway on the bridge with the existing surface of the highway westerly thereof was built and is now in existence, the object of such construction being to permit traffic to pass from this permanent bridge roadway to the old level of Spring street at or near the grade crossing.

The City of Ogdensburg has come before the Commission upon its application duly filed for the elimination of the Spring and Lake Street crossings, at a hearing held at Albany on February 26, 1916, at which the following appeared: Hon. Julius Frank, Mayor; William H. Jones, Alderman; Hon. Andrew Irving for the Board of Public Works; Hon. R. E. Waterman for the office of the Corporation Counsel; Mr. William H. McAdam, Supervisor, representing the City of Ogdensburg; Nathan L. Lovejoy, Clerk of Town of Oswegatchie, and John M. Morley, representing the Town of Oswegatchie; Hon. Frank L. Seaker, Gouverneur, representing the First Assembly District of Saint Lawrence county; Hon. Thomas Spratt, Ogdensburg, representing The New York Central Railroad Company. There was no opposition at the hearing to the general proposition to abolish the two crossings. It is the desire of the city to have the new structure carrying the highway traffic over the grade of the railroad in harmony with the existing new bridge over the river, and it therefore favors the continuation of the concrete masonry arch construction: the cost thereof, including that of all necessary land, construction, damages, etc., together with all interest and engineering charges, being estimated by the city at about \$80,000. The city's representatives agreed on the hearing, and consent thereof has been entered upon the record, that the share of the State in the expense shall be limited to \$20,000 (one-quarter of the above estimated sum of \$80,000), said sum to include all costs of whatever nature and amount, and that no part of any costs in excess of \$80,000 shall in any manner attach to be paid or be payable by the State of New York.

The Commission is of the opinion that public safety requires the elimination of the crossing of the two streets referred to in the petition, and considers the request of the city for a particular arch type of structure in Spring street to accomplish such elimination to be reasonable and logical, and under all the circumstances of the case the only kind of a structure that should be considered. At the time of the hearing no agreement as to the treatment of Lake street in connection with the elimination work had been reached. Conferences at which the city and railroad company were represented were held subsequent to the hearing, and an agreement as to the treatment of Lake street was reached. The whole scheme as agreed to being substantially set forth on a general plan, said plan bearing the following title being on file with the Commission and marked exhibit A: "N. Y. C. R. R., Buffalo and East, DeKalb Branch, St. Lawrence Division, Elimination of grade crossing, Spring and Lake Streets, 0.4 miles south of Ogdensburg, New York, Feb. 25, 1916, Issue No. A." It is therefore

Ordered: 1. That the Spring Street and Lake Street grade crossing of the New York Central railroad in the city of Ogdensburg be closed and discontinued, and the highway traffic be carried over the grade of the railroad upon a concrete steel masonry arch structure and approach thereto to be built within the lines of Spring street, center line thereof to be in continuation of the center line of Spring street, the character of construction including width of roadway and sidewalks, pavements, etc., to correspond to those of the existing structure over the Oswegatchie river; that the grade of the roadway on such new structure shall also be in continuation of the grade on the existing portion of the bridge to a point approximately over the railroad, from which point the grade shall continue, nearly level, in a westerly direction to an intersection with the present surface of Spring street. The pavement on the structure shall not be carried west of the westerly line of Canal street.

2. That the clear headroom above the rails of the railroad shall be not less than 22 feet.

3. That an approach serving Lake street be built on the west side of the railroad extending southerly from the new structure in Spring street substantially as shown upon the general plan herein referred to, the width of the roadway therein to be not to exceed 20 feet, with one sidewalk not to exceed 5 feet wide. The grade on this approach shall descend from Spring street at a rate of about 6 per cent a distance of about 300 feet, from which point it shall continue to descend at the rate of about $1\frac{1}{2}$ per cent to an intersection with the surface on Lake street as it exists at the present time. The roadway shall be paved with macadam, and railings provided at all points where said

roadway is to be constructed on embankment. If necessary, a retaining wall of such length and height shall also be provided on the easterly side of said approach in order that a roadway not less than 15 feet wide in front of the property of the Curtis estate may be constructed and maintained, such driveway however to be increased in width at its Spring street end approximately as shown on the plan to provide room for the turning of vehicles.

4. If the new grade on Spring street shall so require, Canal street, extending northerly from Spring street, shall be re-graded to join the new Spring street grade, and upon such re-graded portion there shall be a paved roadway 20 feet wide and two concrete sidewalks each about 4 feet wide. Masonry stairways, one on each side of Spring street, with protection railings, shall also be constructed.

5. Paved gutters shall where shown be provided; catch-basins and drains constructed if found to be necessary; and if required, the location of the spring at the Curtis property changed; and any other work of whatever nature not herein specifically mentioned shall be performed in order that the completed improvement may be a finished product satisfactory to this Commission.

6. That in accordance with its aforesaid consent the City of Ogdensburg shall assume, pay, and discharge so much of the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue hereof, as shall exceed the sum of \$80,000, which last mentioned sum is to be paid by the railroad company, the City of Ogdensburg, and the State of New York respectively, in such proportions as are fixed by the statute in such case made and provided; this order being granted upon the express condition that no financial liability or obligation whatsoever in excess of one-fourth of the sum of \$80,000 shall attach to or fall upon the State of New York on account of the acquisition of lands, rights, or easements necessary or required, the construction and work, or for any other incidental expenses herein authorized and provided for; and that no sum in excess of one-fourth of said sum of \$80,000 shall be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise. And this Commission having been advised by the other parties hereto that subsequent to the aforesaid hearing in this case the City of Ogdensburg has agreed with The New York Central Railroad Company as to the maximum cost to said railroad company of its share of the elimination work, etc., herein provided for, in terms similar to its aforesaid agreement as to the maximum cost to the State of its share thereof, it is now further provided that no financial liability or obligation whatsoever in excess of one-half of the sum of \$80,000 shall attach to or fall upon or be payable by the railroad company on account of its statutory share in the cost of said improvement.

The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof in excess of one-fourth of the sum of \$80,000, amounting to the sum of \$20,000, no interest to be added.

[Case No. 5407]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of Patrons of Freight Service of The Long Island Railroad Company in Huntington village against The Long Island Railroad Company as to discontinuance by said company of less than carload freight service by trolley railroad in Huntington village, and as to discontinuance of its freight station in Huntington village.

Complaint having been made by certain residents of Huntington village against The Long Island Railroad Company by reason of the discontinuance of a former freight station of the company in the village of Huntington, and of freight service between Huntington station and Huntington village over the line of the Huntington Railroad Company, a local trolley line a majority of whose capital stock is owned by The Long Island Railroad Company; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing before this Commission on the 29th day of February, 1916, at which time testimony was taken and argument made on behalf of all parties to the controversy; and the Commission being of the opinion that for the reasons set forth in the memorandum accompanying this order it would be an improper exercise of power on its part to make an order at this time directing the reestablishment of freight service by trolley in the village of Huntington in the manner asked for in the said complaint; it is hereby

Ordered: That the complaint herein be and the same hereby is dismissed and that this case be closed upon the records of the Commission.

[Case No. 5408]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of THOMAS TOMLINSON (Montauk Produce Exchange) against THE LONG ISLAND RAILROAD COMPANY as to track storage charges at Atkins Yard, Brooklyn.

Hearings were held in this matter at the office of the Commission in the city of Albany, N. Y., and in the city of New York on February 23, 1916, and March 11, 1916, respectively. The complainant was represented by John F. O'Brien of Troy, N. Y., and David C. Broderick of New York city; and A. L. Langdon, traffic manager of The Long Island Railroad Company, appeared for

it. The complaint arises out of certain charges made against the complainant by the respondent for storage and demurrage charges at the Atkins Yard in Brooklyn, which charges it is alleged were made in error. It developed on the hearing that the complainant contended that charges made for track storage in the Atkins Yard as well as for demurrage were erroneous and excessive, and that he was entitled to a refund from the railroad on this account. Before the close of the hearing it developed that the only real contention of the complainant was as to charges made for track storage. There are numerous tracks in the Atkins Yard, so called, numbered from 1 to 10 inclusive, which are used for freight purposes. Certain cars of freight were placed on track No. 1 for the complainant which is just across the street from his place of business. This is not a public team track, and under the tariffs of the railroad company it is not authorized to charge track storage for cars placed on this track, although the complainant did pay the railroad company for track storage covering cars placed on this track. The complainant insists that all of the cars which were shipped to him during the latter part of the year 1914 and the early part of 1915 should have been placed on track No. 1 as he requested, but instead they were placed on tracks Nos. 2 and 3. From the evidence in the case, tracks Nos. 2 and 3, 5 and 6, and 9 and 10 are public team tracks, and were used as such during the time when the complainant received the numerous freight shipments upon which this complaint is based. It also appeared that while the Atkins Yard is treated as a portion of the East New York Yard and operated in connection therewith, it is not specifically referred to in the tariff of the railroad company relating to track storage and other charges in the East New York Yard. Its tariff however does set forth a track storage charge on team tracks for all stations other than Long Island City, etc., and it is the opinion of the Commission that the Atkins Yard comes within this designation, and that track storage on team tracks in the Atkins Yard should be on the basis of \$1 per car per day after the free time. The tariff of the railroad company relating to this matter and which is filed with Commission is designated P. S. C., 2 N. Y., 403, in effect July 14, 1914, and the reference to these charges is found at page 14. The representative of the railroad company stated at the hearing that it was prepared to refund to the complainant all track storage charged against him on cars which were placed on track No. 1. It also appeared that the railroad company had charged the complainant track storage on tracks Nos. 2 and 3 at the rate of \$2 per car per day, which was an overcharge of \$1 per car under the provisions of its tariff. The Commission was informed by the representative of the railroad company that it was prepared to refund these overcharges to the complainant on all intrastate shipments. So far as the demurrage is concerned, the complainant did not substantiate any claim for overcharge, nor did he substantiate any claim which he made as to discrimination as against him on track storage charges. Under all the circumstances therefore the railroad company should be permitted to refund to the complainant the excess track storage charges which it has collected and which it has agreed to refund as herein set forth. It is therefore

Ordered: That The Long Island Railroad Company be and it hereby is authorized and directed to refund to the complainant all charges in excess of tariff authority collected by it from him for track storage at the Atkins Yard on intrastate cars placed on tracks Nos. 1, 2, and 3, and that in all other respects the complaint be dismissed and the case closed upon the records of this Commission.

[Case No. 5449]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of GLOBE WAREHOUSE Co., Inc., for permission to construct, and approval of a franchise from the City of Albany to construct, a single track siding at grade in Church street and across Westerlo street in said city.

The Globe Warehouse Co., Inc., having its principal place of business in the city of Albany, N. Y., made application for permission to construct, maintain, and operate a switch on Church street in the city of Albany, connecting with the tracks of The Delaware and Hudson Company on Church street in said city. Notice of a public hearing in this matter was duly published in the Albany *Evening Journal* and in the *Argus*, two newspapers published in the city of Albany, and proof of such publication was filed with the Commission on March 16, 1916. The petition sets forth that a franchise was duly granted by the common council of the City of Albany on December 20, 1915, authorizing the construction, maintenance, and operation of such switch or branch track, and said franchise was thereafter sold at public auction as therein provided and acquired by the petitioner. Attached to the petition is a map showing the proposed location of such switch. A hearing was held at the office of the Commission in the city of Albany on March 20, 1916, at which time the petitioner was represented by Mr. W. M. Douglas; and Mr. John E. MacLean appeared as attorney for The Delaware and Hudson Company. On the hearing, counsel for The Delaware and Hudson Company stated that it desired to be made a party to the proceeding, and that said company was in favor of the application, and that it was proposed to operate such switch in connection with its railroad if the prayer of the petitioner should be granted. The Commission having determined that public convenience and necessity require the construction, maintenance, and operation of said switch, it is hereby

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Globe Warehouse Co., Inc., and The Delaware and Hudson Company to construct, maintain, and operate a branch track or switch on Church street in the city of Albany, N. Y., in connection with the tracks of The Delaware and Hudson Company on said street, and to exercise the franchise authorizing the construction, maintenance, and operation of said track which was granted by the City of Albany on December 20, 1915, subject to all the terms and conditions therein set forth.

[Case No. 5457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Application of the ST. LAWRENCE TRANSMISSION COMPANY and NORTHERN POWER COMPANY under subdivision 3, section 61 of the Transportation Corporations Law, and section 70 of the Public Service Commissions Law, for consent to the consolidation of said corporations under section 7 *et seq.* of the Business Corporations Law.

Petition filed March 3, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of subdivision 3 of section 61 of the Transportation Corporations Law, and all other provisions of law applicable thereto, the permission and approval of this Commission be and they hereby are given to the St. Lawrence Transmission Company and the Northern Power Company to consolidate into a single corporation to be called the St. Lawrence Transmission Company, in accordance with the terms and conditions set forth in the proposed consolidation agreement to be entered into between the respective corporations in the manner provided in the Business Corporations Law, a copy of which proposed agreement is attached to the petition in this proceeding and marked exhibit No. 3; and the said applicants and the said consolidated corporation are respectively authorized to take such steps and to do such acts as may be necessary and required to effect such consolidation in the manner provided by law and as set forth in said consolidation agreement.

2. That pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission be and the same hereby is given to the exercise by the said consolidated corporation of all the rights, privileges, and franchises of the constituent corporations.

3. That upon the execution of said consolidation agreement there shall be filed with this Commission affidavits by the presidents or other executive officers of the existing St. Lawrence Transmission Company and the Northern Power Company setting forth that the consolidation agreement as executed and filed is the same in all respects as that submitted to the Commission with the application herein.

4. That the St. Lawrence Transmission Company, the consolidated corporation, shall file with this Commission a notice in writing setting forth the actual date of such consolidation within ten days after the same shall have become effective.

5. That the St. Lawrence Transmission Company, the consolidated corporation, shall for each three months ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been exchanged during such period in accordance with the authority contained herein and the date of such exchange; (b) with whom such exchange was made; (c) the basis of such exchange, including all material terms and conditions thereof; (d) the par value of the capital stock of the constituent companies which has been canceled during such period. Such reports shall continue to be filed until all of the stock of the constituent companies shall have been exchanged in accordance with the provisions of the consolidation agreement and canceled, provided that if during any period no stocks were exchanged and canceled the report shall set forth such fact.

6. That the authority contained in this order to consolidate is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions herein; and within thirty days of the service hereof the said companies shall file with this Commission satisfactory, verified stipulations duly authorized by their boards of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the capital stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5469]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY and OLEAN, BRADFORD AND WARREN RAILROAD COMPANY under section 149 Railroad Law for permission to the first named company to take a surrender to it of all of the capital stock of the last named company.

Petition filed March 9, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 149 of the Railroad Law the permission and approval of this Commission are hereby given to the taking of a surrender of all the capital stock of the Olean, Bradford and Warren Railroad Company by the Western New York and Pennsylvania Railway Company, for a consideration of one dollar (\$1), in accordance with the terms of a certain agreement annexed to the petition herein and marked exhibit D. This order is made, nevertheless, upon the express condition that whenever the whole of such capital stock shall have been so surrendered a certificate thereof shall be filed in the office of the Secretary of State under the common seal of the corporation to which such surrender shall have been made, as provided by section 149 of the Railroad Law; a certified copy of such certificate shall be filed with this Commission, and thereafter each certificate of stock which shall have been so surrendered shall be impressed with a stamp to the effect that such certificate of stock has been so surrendered under authority of the order of this Commission of March 21, 1916, and that the certificate last above mentioned has been duly filed in the office of the Secretary of State.

2. That the corporation the Western New York and Pennsylvania Railway Company shall within five days after the service upon it of this order notify this Commission in writing whether or not it accepts this order with all its terms and conditions.

[Case No. 1849]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of March, 1916.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 91 of the Railroad Law as to changing the Duck Pond road highway grade crossing of its railroad in the town of Oyster Bay, Nassau county, to an overhead crossing. Petition for modification of order.

A petition having been filed with this Commission under date of July 23, 1915, by the town board of the Town of Oyster Bay, in Nassau county, praying for a rehearing in the matter above entitled, and for a modification of the order of this Commission made herein under date of December 20, 1910, such proposed modification to be a reduction in the clearance between the tracks of the railroad and the lowest point of the overhead bridge structure from twenty-one feet as provided in said order to sixteen feet as proposed in said application for a rehearing, etc.; and upon due notice given a hearing upon said application having been held and an examination upon the spot having been made by a member of the Commission in the presence of representatives of all the interested parties, now after due consideration had

Ordered: That the application be denied and the original order of the Commission herein be in all respects approved and confirmed.

[Case No. 2583]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of March, 1916.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on March 16, 1916, determined and directed that the order heretofore made on June 13, 1912, shall be so modified as to include the construction of a new piece of highway through the so called Holiday Farm, and an extension of the plaza northerly of the existing Rhinecliff station,

the total cost of such new roadway and station plaza extension, including the necessary land, which latter is to be donated, and upon which donation of land this order is conditioned, having been estimated at the sum of \$20,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$5000; now therefore it is

Ordered: That from the funds heretofore appropriated by the legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$294,000), there shall now be segregated and set apart to the credit of grade crossing case No. 2583 above entitled, and for the purpose herein set forth, the sum of \$5000 to meet the State's share of the cost of the elimination in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CITY OF OGDENSBURG for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in the city of Ogdensburg.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on March 21, 1916, determined and directed that the present grade crossings known as the Spring Street crossing and the Lake Street crossing of the New York Central railroad in the city of Ogdensburg shall be closed and discontinued, and that the highway traffic at the points mentioned shall be diverted to an overgrade crossing to be constructed according to certain plans to be approved by this Commission and under its direction, the total cost of such elimination and change having been estimated at not to exceed the sum of \$80,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$20,000; now therefore it is

Ordered: That from the funds heretofore appropriated by the legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated or set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$289,000), there shall now be segregated and set apart to the credit of grade crossing case No. 3778 above entitled the sum of \$20,000 to meet the State's share of the cost of the elimination in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 5009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CHAMBER OF COMMERCE OF THE CITY OF NEWBURGH *against* ERIE RAILROAD COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY as to refusal to make a switching charge from the West Shore railroad to spur at West Newburgh.

Upon the complaint filed herein on or about June 7, 1915, and the answers respectively of the respondent corporations duly made and filed, and upon hearing held and after due consideration had, it is

Ordered: 1. That the Erie Railroad Company shall establish a proper charge for switching cars between points on the Fabrikoid siding, which connects with the tracks of said corporation at a point west of the corporate limits of the city of Newburgh and extends in an easterly direction to its terminus in said city, and the said corporation's connection with the West Shore railroad at Newburgh; and that The New York Central Railroad Company shall establish a proper absorption regulation in connection with said switching charge.

2. If the parties to this proceeding shall within ten days following the service upon them respectively of a copy of the decision of the Commission in this case and of this order respectively, notify this Commission in writing that they accept as proper the switching charge for the service mentioned proposed by the Commission in its said decision, and the similarly proposed absorption by The New York Central Railroad Company, then within five days after the termination of the said ten days' period the Erie Railroad Company shall publish said switching charge and The New York Central Railroad Company shall publish the proper absorption regulation in connection with said switching charge.

3. If within the ten days' period above specified either of the parties hereto shall give notice in writing to this Commission that it is not satisfied as to the reasonableness of the proposed switching charge or the proposed absorption by The New York Central Railroad Company, further testimony shall be taken upon the question thus raised as to the reasonableness of the proposed charge or absorption.

196 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5400]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the LOCKPORT LIGHT,
HEAT AND POWER COMPANY under section 70 of the
Public Service Commissions Law for authority to
acquire all of the capital stock of the International
Power and Transmission Company.

Petition filed January 26, 1916; report of division of capitalization dated
February 7, 1916; affidavit of cost of stock of International Power and
Transmission Company dated March 11, 1916. Now therefore, upon the
foregoing record, .

Ordered as follows: 1. That pursuant to the provisions of section 70 of
the Public Service Commissions Law the Lockport Light, Heat and Power
Company is hereby authorized to purchase and hold the entire outstanding
issue of capital stock of the International Power and Transmission Company,
consisting of 1500 shares each of the par value of \$100, provided that it shall
not pay more than \$82,954 for all of such stock free and clear.

2. That the Lockport Light, Heat and Power Company shall, in accordance
with the requirements of the Uniform System of Accounts for Electrical
Corporations, a copy of which has been served upon it, charge the cost to it
of the capital stock of the International Power and Transmission Company
to a subaccount of its investments account entitled "Cost of International
Power and Transmission Company stock," which account it shall amortize
through debits to the account "Other Contractual Deductions from Income"
at the rate of at least \$10,000 each year until such account is reduced to \$1,
at which amount this stock shall thereafter be carried on the books of the
Lockport Light, Heat and Power Company; provided that the said company
may, if it so desires, amortize the cost to it of the stock of the International
Power and Transmission Company more rapidly than herein required by
debts to the appropriate subaccount of its corporate surplus account of the
excess over the amount herein required.

3. That the Lockport Light, Heat and Power Company shall for each three
months' period ending June 30th, September 30th, December 31st, and March
31st file, not more than fifteen days from the end of such period, a verified
report showing (a) what stock of the International Power and Transmission
Company has been acquired and the date of such acquisition; (b) from whom
such stock was acquired; (c) the amount and nature of the consideration
paid for the same; (d) any other terms and conditions of such purchase.
Such reports shall continue to be filed until all of the stock of the Inter-
national Power and Transmission Company shall have been acquired in
accordance with the authority contained herein, and if during any period
no such stock was acquired the report shall set forth such fact.

4. That the authority contained in this order is upon the express condition
that the petitioner accepts and agrees to comply in good faith with the pro-
visions hereof; and within thirty days of the service hereof the said company
shall file with the Commission a satisfactory stipulation duly authorized by
its board of directors and verified accepting this order with all its terms
and conditions, and such order shall be void and of no force or effect until
such stipulation shall have been filed as required herein.

[Case No. 3427]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MARVIN SHIEBLER against THE SUFFOLK GAS AND ELECTRIC LIGHT COMPANY, requesting revocation of the Commission's order authorizing \$134,000 mortgage bonds.

This Commission having duly made and entered its order herein under date of January 20, 1916, and thereafter the complainant having made informal application for a rehearing in this matter, which application was set down for argument in the city of New York on March 10th last, at which appeared Mr. Marvin Shiebler in person and by Mr. Ralph K. Jacobs, his attorney; and Messrs. Henry R. Frost, William H. Robbins, and E. L. Phillips for respondent; now, after due consideration had, it is

Ordered: That the application for a rehearing be and the same hereby is denied.

[Case No. 3888]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in the manner in which a road known as the Scottsville-Chili state highway, in the town of Wheatland, Monroe county, crosses the tracks of the Buffalo, Rochester and Pittsburgh railway in said town.

Ordered: 1. That the second and final accounting entered into by the Buffalo, Rochester and Pittsburgh Railway Company with the State Commission of Highways, showing expenditures to the amount of \$5658.66, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$1445.33 has been expended by the railway corporation and the sum of \$4213.33 has been expended by the State of New York; said accounting having been accepted by the railway corporation as indicated by the signature of its president, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$5658.66 thus expended and herein accounted for, the share of and the amount chargeable to the Buffalo, Rochester and Pittsburgh Railway Company is the sum of \$2829.33, and the share of the State of New York is the sum of \$2829.33, leaving as a balance now due and payable by said railway company to the State Commission of Highways the sum of \$1384.

[Case No. 5375]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to construct at grade two sidetracks in Columbia street, one of them crossing Perry street, in Buffalo; and as to said one crossing the International railway in Perry street.

Upon the facts found and conclusions stated in the opinion of Commissioner Hodson which is approved and filed in this case, it is

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law permission and approval are hereby granted to the petitioners herein, The New York, Lackawanna and Western Railway Company, lessor, and The Delaware, Lackawanna and Western Railroad Company, lessee, first, to lay, construct, maintain, and operate at grade a switch track or siding, as follows: Beginning by a switch connection with an existing siding on the property of the petitioners in the city of Buffalo, the switch being near the corner of Elk and Liberty streets, crossing the property of the petitioner to the line of Columbia street, which is next east of Liberty street, thence crossing Columbia street diagonally and on a curve at grade and extending on private property of the L. & I. J. White Company on the east side of Columbia street: the same to be a single track and the distance in Columbia street to be about sixty feet. Second, to lay, construct, maintain, and operate at grade a switch track or siding, as follows: Beginning by a switch connection with siding No. 1 (to be constructed as above provided) on the private property of the petitioners on the west side of Columbia street, thence curving into Columbia street and proceeding at grade along Columbia street in a northerly direction to and across Perry street, and farther along Columbia street to a direct connection with the tracks of an existing siding in Columbia street maintained by the Lehigh Valley Railroad Company, and which are about one hundred and fifty feet north of Perry street: this is a single track and its length in Columbia street will be about seven hundred feet. All of which is shown on the map or blueprint of said proposed switch tracks or sidings which is filed with the papers in this case and marked exhibit A.

2. That permission and approval are hereby granted to the said petitioners to exercise all the rights and privileges conferred by the said franchise or franchises so granted to them by the resolution of the Board of Aldermen passed December 27, 1915, concurred in by the Board of Councilmen December 29, 1915, and approved by the Mayor of the City of Buffalo December 30, 1915; and which was also ratified and confirmed by the present Council of the City of Buffalo by a resolution passed March 1, 1916; the exercise of such franchise or franchises by the petitioners shall be in accordance with and subject to all the terms, restrictions, conditions, and limitations thereof.

[Case No. 5306]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the petition of GREGORY ELECTRIC COMPANY, INC., under section 68 of the Public Service Commissions Law for permission to construct electric lines in the towns of Oswegatchie and Morristown, St. Lawrence county, and for approval of the exercise of rights and privileges under franchises to use highways received from said towns.

The Gregory Electric Company, Inc., asks permission to construct a transmission line in the towns of Oswegatchie and Morristown, St. Lawrence county, and the approval of franchises therefor. No objections have been filed in response to notices published, and at a public hearing held in Ogdensburg March 10, 1916, there was no appearance in opposition, the applicant appearing by Frank L. Scott, and the State Highway Department by T. M. Ripley, division engineer. The Gregory Electric Company is at present operating in the village of Morristown. It has heretofore purchased its entire current from the W. H. Comstock Company, Ltd., and has furnished current from sunset until midnight and from 5 a. m. until sunrise. It desires to obtain current for continuous service in Morristown and perhaps ultimately for other purposes, and by contract with the St. Lawrence Transmission Company has made arrangements for the needed current to be delivered to the applicant at Heuvelton. The transmission line is to be constructed from Heuvelton through the town of Oswegatchie and the town of Morristown to the village of Morristown, and franchises have been granted by the town boards and superintendents of highways of said towns for that purpose: to wit, a franchise for twenty years granted by the Town of Oswegatchie November 23, 1915, "to erect and maintain poles, wires, and conduits for the transmission of electricity in, over, under, and upon the highways, streets, and avenues and public grounds within the territorial limits of the town of Oswegatchie, N. Y., from the village of Heuvelton in said town to the limits of the town of Morristown, N. Y., by as direct a route between said points as is determined to be feasible and reasonably convenient by said Gregory Electric Company, Inc., and in accordance with a map of said route prepared and filed by the Gregory Electric Company, Inc., with the clerk of the Town of Oswegatchie, N. Y.; and to furnish and carry on the business of furnishing electricity for light, heat, and power to the inhabitants of the town of Oswegatchie living along said route"; and a franchise from the Town of Morristown granted October 2, 1915, "to erect and maintain poles and wires for the transmission of electricity in, over, under, and upon the highways, streets, avenues, and public grounds within the territorial limits of the township of Morristown, N. Y., as such limits are now defined or as they may be hereafter enlarged, exclusive however of the incorporated village of Morristown, N. Y., and to furnish and to carry on the business of furnishing heat, power, and light to said township of Morristown and to the inhabitants thereof". It is determined and stated that the construction of said lines and the exercise of each of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Gregory Electric Company, Inc., to erect and maintain poles, wires, and conduits for the transmission of electricity in, over, under, and upon

the highways, streets, avenues, and public grounds in said towns of Oswegatchie and Morristown, in accordance with the terms and provisions of the franchises aforesaid.

2. That the permission and approval of the Commission be given to said Gregory Electric Company, Inc., to exercise the rights and privileges conferred by each of said franchises, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5386]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the OTSEGO AND HERKIMER RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue \$250,000 5 per cent 50-year first mortgage bonds and \$100,000 common capital stock.	Preliminary order.
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Petition filed January 17, 1916; details of fixed capital expenditures from January 1, 1913, to November 30, 1915 (bound separately), filed January 17, 1916; report of division of capitalization dated March 9, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Otsego and Herkimer Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$250,000 face value of its 5 per cent 50-year first mortgage bonds under a certain indenture dated April 1, 1912, given to the Equitable Trust Company of New York as trustee, to secure an authorized issue of a total face value of \$2,500,000.

2. That said bonds of the total face value of \$250,000 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of \$200,000.

3. That said bonds of the face value of \$250,000 so authorized, or the proceeds thereof to the amount of \$200,000, shall be used solely and exclusively for the discharge and lawful refunding of the indebtedness of the petitioner outstanding at November 30, 1915, or their renewals, as follows: (a) Bills payable due the Equitable Trust Company of New York, \$84,043.25; (b) accounts payable and other unfunded debt, \$163,021.97: \$247,065.22; amount unprovided for, \$47,065.22.

4. That if the said bonds of a total face value of \$250,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$247,065.22, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Otsego and Herkimer Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Otsego and Herkimer Railroad Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified

report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such periods, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

7. That this proceeding shall be and hereby is continued on the records of this Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner herein shall have been concluded, and the corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory stipulation duly authorized by its board of directors and verified, accepting this order with all its terms and conditions, and such order shall be of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5418]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of HARRISON M. BRADBURY under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Batavia, it being proposed that the route shall also be operated between the city of Batavia and the incorporated village of LeRoy, Genesee county.

A petition having heretofore been duly filed with the Commission by Harrison M. Bradbury of LeRoy, pursuant to chapter 667 of the laws of 1915, asking for a certificate of convenience and necessity for the operation of a motor vehicle or stage line or route as set out in said petition, and particularly mentioned and described in the consent therefor given by the mayor and common council of the City of Batavia, and which consent is attached to said petition and filed with the papers in this case. And a hearing having been duly held herein by the Commission in the city of Buffalo on the 17th day of March, 1916, pursuant to a notice duly given and published as required by the rules of the Commission; and the said petitioner having duly appeared at said hearing in person and by N. A. MacPherson of LeRoy, and Bayard J. Stedman of Batavia, as his attorneys; and George W.

Watson of Batavia having appeared for J. Ernest Sprague, an applicant for a like certificate; and Newell K. Cone of Batavia having appeared on behalf of the Batavia Traction Company; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the motor bus line which is herein proposed by the petitioners runs from a point in Main street in the city of Batavia in front of the Richmond Hotel, thence along said Main street to the city line of Batavia, and which route within the city of Batavia is a part of a proposed route from said city to and into the village of LeRoy over an improved state highway, a distance of about ten miles in its entirety. LeRoy contains about four thousand five hundred inhabitants and Batavia has about fifteen thousand inhabitants; the territory between said municipalities is a well populated farming section and the residents thereof travel extensively over the said highway to both LeRoy and Batavia for mercantile and banking business; and there are several school children along said route who attend the high school at either LeRoy or Batavia; the residents along said route as well as at both termini thereof are desirous of having this auto bus line established for their convenience in going to and from the said city of Batavia and the village of LeRoy; and the said petitioner declared at said hearing that in the operation of said auto bus line he had no intention of carrying passengers from point to point within the said city of Batavia and did not ask any authority therefor. This Commission therefore hereby certifies that public convenience and necessity require the operation by Harrison M. Bradbury of LeRoy, the petitioner in this proceeding, of a motor vehicle or stage line or route as provided in said consent heretofore granted by the mayor and common council of the City of Batavia, and filed with the papers in this case as aforesaid, which route is hereinabove described. This certificate is granted subject to all the terms and conditions of the consent above mentioned, and subject to all present and future ordinances of the City of Batavia, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and the said certificate is not assignable without the consent of this Commission. This certificate is granted subject also to the further express conditions in accordance with the said declaration of the petitioner that no passengers will be carried in said motor vehicle or auto bus from one point to another within the city of Batavia, but that the said motor vehicle or stage line or route shall be operated by the petitioner for through passengers only from any point within the city of Batavia to points outside of said city along said route, and from points along said route outside of said city to any point within the same.

[Case No. 5431]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct an extension of its railway in Ohio street from Main street to Illinois street, in Buffalo, and for approval of the exercise of two franchises therefor received from the city.

The petition of the International Railway Company under section 53 of the Public Service Commissions Law was presented to the Commission February 14, 1916, asking for permission to lay, construct, maintain, and

operate a double-track extension of its railway in Ohio street in the city of Buffalo, and for the exercise of two franchises therefor received from the local authorities of said city. A hearing was held in this case by the Commission in the city of Buffalo on the 20th day of March, 1916, at which hearing Messrs. Norton, Penney, Spring and Moore, by Mr. Porter Norton, appeared as the attorneys for the petitioner; and Mr. Harry D. Sanders, assistant corporation counsel, appeared for said city; certain proofs and proceedings were taken and had on said hearing whereby it satisfactorily appears that while there are two extension certificates and two separate franchises under consideration herein, the railroad is to be one continuous extension from a connection with present tracks at the foot of Main street, through Ohio street to the present existing tracks of the petitioner in Illinois street; that the purpose of said extension is to provide a loop in the railroad of the petitioner around three blocks by way of Ohio, Illinois, and Perry streets, and then turn into Main for the uptown trip; besides this, the extension will afford convenient access to the new passenger terminal of the Lackawanna railroad now being erected on the southerly side of Ohio street between said street and the Buffalo river, and will also accommodate the passengers from the lake boats along said river front at Main street, and between that point and Illinois street; the proof shows that such facilities for taking passengers from said railroad station and the docks is very necessary for those who desire to go to the business and residential sections of the city; no opposition whatever was made to the application herein; and it being determined by the Commission that the construction, maintenance, and operation of said extension of the street surface railroad of the petitioner in, along, and through Ohio street between Main street and Illinois street, and to be connected with existing tracks of the petitioner in both Main street and Illinois street in the city of Buffalo, and the exercise of said franchises therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 53 of the Public Service Commissions Law permission and approval are hereby granted to the petitioner, International Railway Company, to lay, construct, maintain, and operate a double-track street surface railroad, being an extension of the railroad of the International Railway Company, in Ohio street between Main street and Illinois street, in the city of Buffalo, with such track connections, switches, turnouts, and wyes as may be necessary for the operation of such railroad through, upon, and along said street and highway known as Ohio street, to be operated by the single overhead electric trolley system of motive power; and also to erect upon said street and highway known as Ohio street all necessary poles and to string all necessary wires so that the cars of said company may be moved by means or power of electricity.

2. That permission and approval are hereby given to the said International Railway Company to exercise all the rights and privileges conferred by the franchises granted to said petitioner by the local authorities of the City of Buffalo, the first one being contained in a resolution adopted by the board of aldermen of said city December 13, 1915, concurred in by the board of councilmen of said city December 29, 1915, and approved by the mayor of said city December 31, 1915; and the second one being contained in a resolution adopted by the board of aldermen of said city December 27, 1915, concurred in by the board of councilmen of said city December 29, 1915, and approved by the mayor of said city December 31, 1915, both of which resolutions containing said franchises having been presented at said hearing and marked respectively exhibits 3 and 4, and filed with the papers in this case. The exercise of such franchises by the petitioner shall be in accordance with and subject to all the terms, conditions, restrictions, and limitations thereof.

[Case No. 5448]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of J. ERNEST SPRAGUE under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Batavia, it being proposed that the route shall also be operated between the incorporated village of LeRoy and the city of Batavia, Genesee county, and the village of Attica, Wyoming county.

A petition having heretofore been duly filed with the Commission by J. Ernest Sprague of LeRoy, pursuant to chapter 667 of the laws of 1915, asking for a certificate of convenience and necessity for the operation of motor vehicles or stage lines or routes as set out in said petition, and particularly mentioned and described in the consent therefor given by the mayor and common council of the City of Batavia, and which consent is attached to said petition and filed with the papers in this case. And a hearing having been duly held herein by the Commission in the city of Buffalo on the 17th day of March, 1916, pursuant to a notice duly given and published as required by the rules of the Commission; and the said petitioner having duly appeared at said hearing in person and by Mr. George W. Watson of Batavia, his attorney; and Messrs. N. A. MacPherson and Bayard J. Stedman of Batavia, having appeared on behalf of Harrison M. Bradbury, an applicant for a like certificate; and Mr. Newell K. Cone of Batavia having also appeared as attorney for the Batavia Traction Company; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that one of the motor bus lines which is herein proposed by the petitioner runs from a point on Main street in the city of Batavia in front of the Richmond Hotel, thence along said Main street to the city line of Batavia, and which route within the city of Batavia is a part of a proposed route from said city to and into the village of LeRoy over an improved state highway, a distance of about ten miles in its entirety. LeRoy contains about four thousand five hundred inhabitants and Batavia has about fifteen thousand inhabitants; the territory between said municipalities is a well populated farming section and the residents thereof travel extensively over the said highway to both LeRoy and Batavia for mercantile and banking business; and there are several school children along said route who attend the high school at either LeRoy or Batavia; the residents along said route as well as at both termini thereof are desirous of having this auto bus line established for their convenience in going to and from the said city of Batavia and the village of LeRoy; and the said petitioner declared at said hearing that in the operation of said auto bus line he had no intention of carrying passengers from point to point within the said city of Batavia, and did not ask any authority therefor. As to the other route proposed by the petitioner between the city of Batavia and the village of Attica, said route begins at a point in Main street in front of the Richmond Hotel in the city of Batavia, and runs west on Main street to the corner of Walnut street, thence running south on Walnut street to the city line, and on over town highways through the village of Alexander and to the village of Attica. The village of Alexander contains about six hundred inhabitants and the population of Attica is about two thousand; the territory between Batavia and Attica is a farming section, and the residents along said route as well as the people of Attica

and Alexander travel to and from the city of Batavia to do their mercantile and banking business; in addition to this, the operation of said auto bus line between Attica and Batavia would accommodate many people who travel on different lines of railroad and are compelled to adopt other means of transportation between Batavia and Attica after reaching one of those places. Therefore this Commission hereby certifies that public convenience and necessity require the operation by J. Ernest Sprague of LeRoy, the petitioner in this proceeding, of motor vehicles or stage lines or routes as provided in the said consent heretofore granted by the mayor and common council of the City of Batavia, and filed with the papers in this case as aforesaid, and which routes are hereinabove described. This certificate is granted subject to all the terms and conditions of the said consent above mentioned, and subject to all present and future ordinances of the City of Batavia, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and said certificate is not assignable without the consent of this Commission. This certificate is granted subject also to the further express condition, in accordance with the said declaration of the petitioner, that no passenger will be carried in said motor vehicles or auto busses from one point to another within the city of Batavia, but that said motor vehicles or stage lines or routes shall be operated by the petitioner for through passengers only from any point within the city of Batavia to points outside of said city along said routes, and from points along said routes outside of said city to any point within the same.

[Case No. 5487]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EASTERN FREIGHT ACCUMULATION CONFERENCE for leave to carriers to file on short notice tariffs increasing demurrage rates on cars in intrastate traffic to harmonize with the new rules covering interstate business.

It appearing that the change in carriers' car demurrage rules authorized to be made on short notice by order of this Commission of this date effects a change in the demurrage rules applying to shippers and receivers operating under average agreement rules; and in order to bring the average agreement rules into harmony therewith it is

Ordered: That all carriers and each and every thereof subject to the jurisdiction of this Commission shall be and hereby are respectively authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to their respective existing tariffs on car demurrage rules, for the purpose of establishing the following as Rule 9:

"When a shipper or receiver enters into the following agreement, \$1 of the charge per car per day or fraction of a day for detention to cars, provided for by Rule 7, on all cars held for loading or unloading by such shipper or receiver shall be computed on the basis of the average time of detention to all such cars released during each calendar month, such average detention to be computed as follows:

"Section A: A credit of one day will be allowed for each car released within the first twenty-four hours of free time (except for a car subject to Rule 2, section B, paragraph 5). A debit of one day will be charged for each twenty-four hours or fraction thereof that a car is detained beyond the free time. In no case shall more than one day's credit be allowed on any one car, and in no case shall more than five (5) days' credit be applied in cancellation of debits accruing on any one car. When a car has accrued five (5) debits, the charge provided for by Rule 7 will be made for all subsequent detention, except that for subsequent Sundays and legal holidays only \$1 of the charge per day provided by Rule 7 will be made."

Applying to New York intrastate traffic at all stations and sidings, such rule to become effective April 1st next and to extend to June 30th next, inclusive.

[Case No. 5487]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EASTERN FREIGHT ACCUMULATION CONFERENCE for leave to carriers to file on short notice tariffs increasing demurrage rates on cars in intrastate traffic to harmonize with the new rules covering interstate business.

The executive committee of the Eastern Freight Accumulation Conference having represented to this Commission under date of March 24, 1916, that in view of unprecedented traffic conditions at the present time, resulting in heavy congestion and serious shortage of equipment, the Interstate Commerce Commission has authorized carriers to immediately file tariffs increasing demurrage rates on cars handled in interstate business from the present rate of one dollar per car per day to one dollar per car per day for the first three days after expiration of forty-eight hours free time, and two dollars per car per day thereafter, such increase to become effective April 1st and to extend to June 30th next, inclusive, and having requested similar action by this Commission in behalf of the intrastate railroads subject to its jurisdiction; after due consideration had it is

Ordered: That all carriers and each and every thereof subject to the jurisdiction of this Commission shall be and hereby are respectively authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to their respective existing tariffs on car demurrage rules, for the purpose of establishing a rule to increase demurrage of from one to two dollars per day after the third demurrage day, applying to New York intrastate traffic at all stations and sidings, such increase to become effective April 1st next and to extend to June 30th next, inclusive.

[G. C. Case No. 381]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of the North Pearl Street and Van Woert Street grade crossings of its railroad in the city of Albany.

Upon the recommendation of The New York Central Railroad Company and the City of Albany, as indicated by the signatures respectively of the chief engineer and the city engineer upon a plan for an iron fence to be erected across North Pearl and Van Woert streets on the northerly side of the tracks; and upon the further recommendation by the New York Central Railroad and the said city engineer that the contract for the manufacture, delivery, and erection of said fence be awarded to the lowest bidder, it is

Ordered: That this Commission hereby approves the plan herein referred to bearing date of February 25, 1916, showing details of the construction of said fence, and the award of the contract covering the manufacture, delivery, and erection thereof to Henry R. Beebe, the lowest bidder, at said bidder's quoted unit price per lineal foot of fence, namely \$2.25.

[Case No. 2109]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the Erie railroad by county highway No. 313, section 2, in the town of Mount Hope, Orange county.

Ordered: 1. That an accounting entered into by the Erie Railroad Company with the State Commission of Highways, showing expenditures to the amount of \$16,682.30 in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$16,497.34 has been expended by the railroad corporation and the sum of \$184.96 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways, and by the County of Orange as indicated by a letter dated March 25, 1916, from the county treasurer.

2. That of the total amount of \$16,682.30 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$8341.15; the share of the County of Orange is \$4170.57; and the share of the State of New York is the sum of \$4170.58, upon which it is entitled to a credit in the sum of \$184.96, expended by it as aforesaid: leaving as a balance now due and payable by said State of New York to said Erie Railroad Company from funds appropriated for the improvement of highways the sum of \$3985.62.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of The New York, Lackawanna and Western Railway Company; The Delaware, Lackawanna and Western Railroad Company; the Town Board and Board of Highway Superintendents of the Town of Cheektowaga, Erie county; and the President and Trustees of the Village of Sloan, Erie county; for elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Harlem avenue, a street extending in a northerly and southerly direction, and whose center line forms the boundary between the Village of Sloan lying to the west and the Town of Cheektowaga lying to the east of said center line, is now crossed at grade by two main line and forty-eight yard tracks of the New York, Lackawanna and Western railway, by two tracks of the Erie railroad, three tracks of the Lehigh Valley railroad, and two tracks of the Lehigh and Lake Erie railroad. The street crosses the railroads on a slight skew and connects Williams street with Broadway respectively south and north of the tracks and distant from each other about 5800 feet, these two streets constituting the main roads to the city of Buffalo from the east.

The petition herein asks for the elimination of the Harlem Avenue grade crossing, lying partly in the village of Sloan and partly in the town of Cheektowaga, and the closing of the Kennedy Road crossing in the town of Cheektowaga. Kennedy road is parallel to and distant easterly about 2200 feet from Harlem avenue: it likewise crosses the main line and yard tracks of the New York, Lackawanna and Western railway and several tracks of the Erie and Lehigh Valley railroads. Ludwig avenue, or Violet street, is another road parallel to Harlem avenue and Kennedy road. It is situated about 4500 feet east of Harlem avenue, and therefore about 2300 feet east of the Kennedy road. It crosses the New York, Lackawanna and Western railway at the throat of the yards. Southerly and distant about 500 feet from the New York, Lackawanna and Western railway it crosses two tracks of the Erie railroad and three tracks of the Lehigh Valley railroad, the rights of way of

the two last named roads being immediately adjacent. This proceeding does not contemplate either the closing or elimination of this crossing at Ludwig avenue or Violet street (hereafter referred to as Ludwig avenue), but it does contemplate provision for a connecting road which will permit the diversion to it of travel now naturally tributary to the crossing at Kennedy road.

West of Harlem avenue in the village of Sloan the tracks of the New York, Lackawanna and Western railway curve to the right or north. Lying north of these tracks in said village is an east and west street known as Lovejoy street, substantially in line with Lovejoy street as it exists in the city of Buffalo. There is, however, at present no crossing of the New York, Lackawanna and Western railway (Black Rock branch), Lovejoy street on both sides of the tracks having dead ends at the railroad lines. As a part of the general scheme embracing the elimination of the Harlem Avenue grade crossing, The New York, Lackawanna and Western Railway Company has agreed to construct at its own cost and expense an undergrade crossing of its tracks for Lovejoy street, thus affording a direct and safe connection between Buffalo and Sloan.

A number of hearings were held by the Commission in this matter at which various general plans were submitted, all of them however providing for a viaduct highway in Harlem avenue, but varying mainly in the location, character, and extent of new streets to be constructed between Harlem avenue and Ludwig avenue, made necessary by the closing of the crossing at the Kennedy road, and for proper access to each remaining crossing. At the hearing on October 1, 1915, a general plan marked "Ex. No. 1," which met with the approval of the railroad companies and of the Town of Cheektowaga and Village of Sloan, was finally presented: the estimated cost of carrying out the work shown thereon, including the cost of a sewer hereafter referred to, and all land damages being about \$400,000, and this same plan at the final hearing on January 26, 1916, was the one favored by all represented parties. The appearances at this hearing were as follows: For The New York, Lackawanna and Western Railway Company and The Delaware, Lackawanna and Western Railroad Company: L. L. Babcock, attorney, Geo. E. Boyd, division engineer, and D. R. Young, assistant engineer; for the Erie Railroad Company: W. H. Brameld, assistant engineer; for the Town of Cheektowaga and the Village of Sloan: William Brennan, attorney, and Geo. C. Diehl, county superintendent of highways and town engineer for the Town of Cheektowaga; Frank Wildey, supervisor Town of Cheektowaga; and J. B. Olmsted for certain property owners.

On this plan, exhibit 1, there are shown certain new marginal roads parallel to the bases of the earth slopes of the embankments of the proposed viaduct in Harlem avenue. In addition to their function as streets furnishing access to the proposed viaduct, these roads are intended for the purpose of constructing therein a 24-inch sewer which is to extend across the tracks of all of the railroads. The cost of this sewer between Franklin avenue in the village of Sloan and Center street in the town of Cheektowaga is proposed as a charge against the elimination of the crossings. It accordingly has been determined to omit the construction and improvement of certain lateral streets which had been proposed as part of the initial scheme under consideration and in lieu thereof to include the above mentioned marginal streets and the said 24-inch sewer. It has been estimated that the total cost of the proposed lateral streets would be at least equal to and probably greater than the cost of the proposed marginal roads and of said sewer provided that the cost of the sewer shall not exceed \$23,000.

The Commission has accordingly determined that if the total cost of that part of the above mentioned sewer which is to extend from Franklin avenue to Center street shall exceed the sum of \$23,000, all of such excess cost should be borne and paid by the Town of Cheektowaga, and that no part of such excess cost should be charged against the elimination account or borne and paid by either the State of New York or the railroad corporations; and such determination has been accepted as proper and assented to by the said town. It also has been determined and assented to by said town that before the completion of the work in this order provided for, said sewer shall be

extended from Center street to a point of discharge at this time undetermined, but which shall be hereafter determined subject to the approval of this Commission.

It appears from the testimony that Center street lying south of and approximately parallel with the railroads is not opened for a short distance in the space embraced between Linden and Mansion streets. The layout is such that with future development of the property this street may become an important approach to Harlem avenue; and this order is made upon the condition that, if now closed, this street shall be opened for a width of thirty feet and dedicated for public travel at the sole expense of the Town of Cheektowaga.

The said crossings at Harlem avenue and Kennedy road which have several times been personally inspected by members of the Commission embody so many elements of danger that travel which is naturally tributary to these streets prefers to seek other outlets to the risk of crossing the railroads, the condition being especially serious by reason of the fact that children going to and from school are compelled to cross the tracks at grade. The Commission being unanimously of the opinion that the petition herein shall be granted, after due deliberation, therefore

Orders: 1. That the Kennedy Road crossing in the town of Cheektowaga of the New York, Lackawanna and Western railway, of the Erie railroad, and of the Lehigh Valley railroad, be closed and discontinued from the northerly line of the property of The New York, Lackawanna and Western Railway Company to the southerly line of the property of the Lehigh Valley Railroad Company.

2. That the grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, the Lehigh Valley railroad, and the Lehigh and Lake Erie railroad by Harlem avenue in the town of Cheektowaga and the village of Sloan, Erie county, shall be abolished, and that the travel be carried over the grade of the railroads on a viaduct to be constructed in said Harlem avenue.

3. That certain new marginal (north and south) streets be laid out.

4. That existing lateral (east and west) streets be extended and certain existing lateral streets be improved.

5. That an existing sewer in Harlem avenue be partly re-located and a new sewer be constructed under the tracks of the various railroad companies.

All of the above to be carried out in accordance with the following general directions:

Kennedy Road

Kennedy road is to be left open and the existing crossing maintained until the completion of the new viaduct at Harlem avenue and the diversion of highway travel thereto, after which it is to be closed by the construction of fences or other barriers along the southerly right of way of the Lehigh Valley railroad and the northerly right of way line of the New York, Lackawanna and Western railway.

Harlem Avenue

The center line of the viaduct to be erected in Harlem avenue shall coincide with the center of the street as it now exists. Beginning at a point south of the tracks nearly opposite the intersection of Center street, there shall be built an earth embankment approach terminating at an abutment at or substantially at the southerly right of way line of the Lehigh and Lake Erie railroad. From this abutment and extending to a similar abutment placed at or near the northerly right of way line of the New York, Lackawanna and Western railway as it exists west of Harlem avenue, the viaduct shall be of steel frame construction supported by said abutments and intermediate piers. From said northerly abutment the northerly approach shall be formed of earth embankment terminating at or near the intersection of Franklin avenue. The viaduct shall have one sidewalk on its easterly side throughout its entire length. The governing dimensions and other structural features shall conform to the following specifications:

- (a) Width of roadway on viaduct to be 24 feet between curb lines.
 - (b) Width of sidewalk 6 feet in the clear.
 - (c) Sidewalk and floor of roadway to be of reinforced concrete.
 - (d) All floor beams and lower girder flanges to be protected by concrete or a combination of concrete and castiron blast plates.
 - (e) Paving on roadway of structural portion of viaduct to be of brick; curbs to be concrete fitted with metal curb bar.
 - (f) A sufficient number of inlets to be provided with suitable wide gratings for drainage purposes. Water to be led through iron pipes to sewer connection.
 - (g) Substantial iron fence of approved design on sidewalk to be provided.
 - (h) Foundation to be rock where possible. If rock is found as expected at an average depth of about twenty feet, piers to rock shall be sunk for all pier and abutment supports; otherwise, piles are to be used.
 - (i) Grade on structural portion of roadway to be level, with pavements moulded to shed drainage to inlets.
 - (j) Clear headroom over top of rails of railroads to be not less than 22 feet.
 - (k) Grades on each embankment approaches to be 4 per cent.
 - (l) Approach embankments to be constructed of such width as may be required to insure the stability of the necessary guard-rails thereon.
 - (m) Pavement on approaches, waterbound macadam 16 feet wide.
 - (n) Sidewalks on approaches, concrete 5 feet wide.
 - (o) Gutters on approaches paved with cobblestones or otherwise as may be agreed.
 - (p) Railings on approaches supported by concrete posts to be constructed as railings of similar character on state highways.
 - (q) Vertical curves to be provided in roadway where breaks of grade occur.
 - (r) Electric light conduits, outlets, and posts for support of lights on entire viaduct to be incorporated in the design.
- No temporary crossing at grade or otherwise at Harlem avenue need be provided during the period of construction.

New Streets To Be Laid Out (Marginal)

- (a) Adjacent to the toe of the embankment approach to the proposed viaduct in Harlem avenue north of the New York, Lackawanna and Western railway and in the village of Sloan, a new highway fifty (50) feet wide shall be laid out, extending from the northerly line of Lovejoy street to a point not less than fifty (50) feet north of the end of the embankment. A suitable wooden stairway, with railings, shall be erected on the westerly side of said northerly approach at Gates street.
- (b) Adjacent to the toe of the same embankment approach north of the tracks in the town of Cheektowaga, a new highway fifty (50) feet wide shall be laid out, extending from the northerly right of way line of the New York, Lackawanna and Western railway to a point about 150 feet north of the end of the embankment.
- (c) Adjacent to the easterly toe of the embankment approach to the proposed viaduct in Harlem avenue south of the tracks in the town of Cheektowaga, a new highway fifty (50) feet wide shall be laid out, extending from the southerly right of way line of the Lehigh and Lake Erie railroad to the northerly line of Center street.

Extension of Existing Lateral Streets

- (a) Gruner street north of the New York, Lackawanna and Western railway in the town of Cheektowaga shall be extended on its present width of fifty (50) feet from its present westerly terminus to Harlem avenue, a distance of about 710 feet.
- (b) Stradtman avenue south of the Lehigh and Lake Erie railroad in the town of Cheektowaga shall be extended on its present width of fifty (50) feet from its present terminus a short distance west of Mansion street to Harlem avenue. A suitable wooden stairway, with railings, shall be erected at the easterly side of said southerly approach at the westerly terminus of Stradtman avenue as extended under this order.

(c) Wojick street south of the tracks of the Lehigh Valley railroad in the town of Cheektowaga is to be extended on its present width of sixty (60) feet from its existing terminus at Dombrowski street easterly to Ludwig avenue, a distance of about 1130 feet.

Improvement of New Streets and Existing Streets

(a) The new streets adjacent to the embankment approaches to the proposed viaduct in Harlem avenue are to be built on the grades conforming to the present ground surface: they are to be crowned properly and ditched and paved for a width of sixteen (16) feet with macadam not less than six (6) inches deep at the crown.

(b) Gruner street and Stradtman avenue extensions are to be graded so that their surfaces shall conform approximately to the existing ground surface. The roadways on these extensions and on existing Gruner street and Stradtman avenue to Kennedy road shall be paved with macadam for a width of sixteen (16) feet and a depth of not less than six (6) inches at the crown.

(c) Wojick street extension is to be graded so that its surface shall conform approximately to the existing ground surface. The roadway on this extension and that on existing Wojick street to Kennedy road shall be paved with macadam as heretofore provided for Gruner street and Stradtman avenue.

(d) The cost of any grading necessary for the extensions of Gruner street, Stradtman avenue, and Wojick street, together with the pavement thereon, may be and is properly chargeable to the elimination of the crossings. The cost of paving on existing Gruner street, Stradtman avenue, and Wojick street is also properly chargeable to the same account.

(e) No fences, sidewalks, or guard-rails will be required along the margins of any of the new or of existing streets herein required to be laid out or improved.

Sewer

A new 24-inch sewer which is to receive drainage from the viaduct surface shall be constructed in the new marginal streets and across the railroads. If the cost of that portion of said sewer lying between Franklin avenue and Center street which as hereinbefore determined shall be charged against the elimination account shall exceed the sum of \$23,000, all of such excess cost shall be borne and paid by the Town of Cheektowaga, and no part of such excess cost shall be charged against the elimination account or borne and paid by either the State of New York or the railroad corporations.

Before the completion of the work herein provided for, the said Town of Cheektowaga shall at its own cost and expense extend this sewer from Center street southerly to a point of discharge which shall be determined and receive the approval of this Commission before the completion of the work herein provided for, the entire cost and expense of such extension to be borne and paid by said town. The granting of the order herein is expressly conditioned upon acceptance of and compliance with all of the foregoing provisions as to said twenty-four (24) inch sewer by the Town of Cheektowaga.

If the total cost of the improvement in this order provided for and as aforesaid determined properly to be chargeable against the elimination account shall exceed the sum of \$400,000, in arriving at a determination of the State's share of such total cost no charge in excess of \$58,000 shall be made against and included in the elimination account for land cost and damages which may be incidental to the carrying out of this order. The intent of this order being that if such total cost shall become in excess of \$400,000 by reason of incidental land and land damage costs necessarily incurred in excess of \$58,000, the State's share of such last mentioned excess shall be assumed and paid by said Town of Cheektowaga; but if such total cost shall not exceed \$400,000, the State shall pay its statutory share [one-quarter] thereof without regard to the amount of land and land damage costs which may have been necessarily incurred and included in such total cost. This provision nevertheless shall not be construed as an admission that any land cost or damage in the sum mentioned or otherwise whatsoever is necessarily incidental to the improvement herein provided for, said sum of \$58,000 having been used in this relation merely as an arbitrary maximum figure with which to determine

under the circumstances stated the State's share of the cost of the entire elimination project if any such land cost or damages should accrue. The granting of the order herein is further expressly conditioned upon acceptance of and compliance with the foregoing provision as to land cost and damages by the Town of Cheektowaga.

[Case No. 4881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of investigation of traffic conditions on the
Schenectady Railway.

As the result of the investigation made by the Commission in this matter, certain recommendations were made by it for the improvement of the service and equipment of the Schenectady Railway Company. The recommendations so made have been substantially complied with by the company except as to the replacing of single-truck cars with other cars having a larger seating capacity. The Commission extended the time within which the company should comply with the recommendation relative to cars. The city traffic where the small cars are used has very recently begun to increase, and the company will be able to take care of this traffic by the use of its summer cars. It has made certain improvements and changes in the small cars, and the Commission is now advised by the company that it proposes to place orders at once for ten new cars for city use and six new cars for use on the interurban lines. With this addition to its equipment and the continued improvements which the company expects to make in its single-truck cars, it is believed it will be in position to handle all the traffic that may be offered to it in a reasonably satisfactory manner, and that this case may now properly be closed on the records of the Commission, inasmuch as it can be reopened at any time if in the opinion of the Commission it is advisable to make a further investigation into any of the matters covered thereby. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of this Commission, subject to a reopening of the same on the Commission's own motion in the event that it should be advised that a further investigation should be made by the Commission of the matters involved in this proceeding.

214 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5400]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the LOCKPORT LIGHT, HEAT AND POWER COMPANY under section 70 of the Public Service Commissions Law for authority to acquire all of the capital stock of the International Power and Transmission Company. Amendatory order.

The amortization requirement in the order made and entered in the matter above entitled on or about March 23, 1916, having been inadvertently stated at the rate of \$10,000 each year instead of at the rate of \$4000 each year; now therefore, at the instance of this Commission, it is

Ordered: That the order entered herein on the 23rd day of March, 1916, shall be and is hereby modified and amended by striking out ordering clause No. 2, and in place and instead thereof substituting the following:

"2. That the Lockport Light, Heat and Power Company shall, in accordance with the requirements of the Uniform System of Accounts for Electrical Corporations, a copy of which has been served upon it, charge the cost to it of the capital stock of the International Power and Transmission Company to a subaccount of its investments account entitled 'Cost of International Power and Transmission Company stock,' which account it shall amortize through debits to the account 'Other Contractual Deductions from Income' at the rate of at least \$4000 each year until such account is reduced to \$1, at which amount this stock shall thereafter be carried on the books of the Lockport Light, Heat and Power Company, provided that the said company may, if it so desires, amortize the cost to it of the stock of the International Power and Transmission Company more rapidly than herein required by debits to the appropriate subaccount of its corporate surplus account of the excess over the amount herein required."

[Case No. 5433]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held in the city of Albany on the 30th day of March, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for consent to discontinue its carload business at its Post Creek station, the carload business to be done at Chambers, nearly two miles away.

The New York Central Railroad Company asks permission to discontinue its Post Creek station on its Pennsylvania division as a freight station, retaining it as a flag station for passengers. A hearing was held in Albany

February 29th, at which no one appeared in opposition to the application. The railroad company appeared and made proof. After the close of the hearing and on the same day, a written protest was received signed by thirty-two persons claiming to be land owners within three miles of the Post Creek station. Thereafter an inspector of the Commission visited the locality and made investigation of the situation. At Post Creek there is a short sidetrack at which carload freight has been handled in the past; 2.2 miles north thereof is a station called Chambers, at which a short sidetrack has been recently installed and at which it is proposed to handle carload freight and incoming less carload freight. The railroad desired to divert such business as has heretofore been handled at Post Creek to the station at Chambers. Those who protest against the discontinuance of the Post Creek station assert that for their purposes it is much more convenient than Chambers, and an examination of the maps showing highways tends to support this view. It appears that during the years 1914 and 1915 only three cars were received at Post Creek and only three cars were shipped therefrom, so that no very great convenience was served. The farmers of the neighborhood assert, however, that the small amount of business of late has been due to crop failures, and to the fact that there has been no purchaser of produce for several years; that they realize that their interests demand that a purchaser should be induced to open an office there, and they assert that certain projects under way will increase the traffic. There is some lumber about to be moved out and the railroad expects to retain the siding until it shall have been moved. As the station is not an agency station, and as it does not appear that the sidetrack needs repairs, or that safety of railroad operation is affected by its continuance, it does not seem that the railroad will be prejudiced by retaining the station on its list for another season in order to ascertain whether the promises of increased traffic are to be realized. It is therefore

Ordered: That the petition be and the same hereby is denied, with leave however to reopen the case at any time after January 1, 1917.

Special Permission Tariffs, March, 1916.

No. 5856; March 1, 1916; Delaware and Northern Railroad Company:

Ordered: That the Delaware and Northern Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff, and therein establish, on not less than one day's notice, a rate of seventy-two cents per two thousand pounds on Acid Wood, carloads, minimum weight forty-four thousand pounds, from Union Grove, N. Y., over its line via East Branch, N. Y., and the New York, Ontario and Western railway to Elk Brook, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 155, effective March 6, 1916.

No. 5857; March 2, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff of joint commodity rates on Plaster and Plaster Articles, P. S. C., 2 N. Y., No. 2667, for the purpose of postponing the taking of effect of all schedules contained in said tariff which was filed to take effect March 11, 1916, deferring the use of rates, charges, regulations, and practices therein stated upon New York intrastate traffic until the 29th day of June, 1916, unless otherwise ordered by the Commission. Said postponement supplement may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five days, to show date of issue only, and to be filed with the Commission on or before March 11, 1916.

Completed by supplement No. 1 to P. S. C. No. 2667, filed March 3, 1916.

No. 5858; March 3, 1916; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., No. 3108, and therein establish, on not less than one day's notice, on Tissue and Toilet Paper, in carloads, minimum weight as per official classification in effect at the time of shipment, from Plattsburgh, N. Y., over its line via Binghamton, N. Y., and the Delaware, Lackawanna and Western railroad to New Hartford, N. Y., a rate of sixteen and three-tenths cents per hundred pounds, and from Ballston Spa, N. Y., over same route to New Hartford, N. Y., a rate of fifteen and two-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 14 to P. S. C. No. 3108, effective March 7, 1916.

No. 5859; March 3, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 453 and 1178, for the purpose of further postponing, as to New York state traffic, from June 13 until July 13, 1916, the taking of effect of the same items the taking of effect of which were, under special permission No. 5760, postponed until June 13, 1916. This permission is void unless the schedules issued thereunder are filed with the Commission on or before June 13, 1916.

Completed by supplement No. 42 to P. S. C. No. 453, filed March 15, 1916.

No. 5860; March 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its tariff of Switching Charges at Syracuse, N. Y., P. S. C., 2 N. Y., No. 5014, N. Y. C. & H. R. R. R. issue, and therein establish, on not less than one day's notice, a rate of two dollars and fifty cents per car on Cinders, carloads, marked weight capacity of car not to be exceeded, in lots of five cars or more, from the siding of the Solvay Process Company to the Emerson Avenue plant of the Crucible Steel Company. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 11 to P. S. C. No. 5014, effective March 13, 1916.

No. 5861; March 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish, on not less than one day's notice, a rate of one dollar and eighty-four cents per cord on Excelsior Wood, carloads, minimum twelve cords, from Rainbow, N. Y., to Boonville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2603, effective March 13, 1916.

No. 5862; March 6, 1916; E. Morris, Agent:

Ordered: That E. Morris, Agent, duly authorized to so act by various carriers, be and is hereby authorized to publish and file, in the manner pre-

scribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than five days' notice, and effective not earlier than March 20, 1916, a freight tariff of mileage distances to apply only in connection with such tariffs of individual carriers or their agents issue as make specific reference thereto. This permission is void unless the tariff issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 25, effective March 20, 1916.

No. 5863; March 8, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a local freight tariff on Milk, etc., between stations on the Buffalo division of its Northern division, for the purpose of canceling tariff M. & C., P. S. C., 2 N. Y., No. 4, and reissuing the matter contained without change other than to show Shaleton, N. Y., as a station in Group 1 instead of Weyer, N. Y., and to show Winchester, N. Y., as a Group No. 2 station instead of a Group No. 1 station. This permission is void unless the tariff issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by M. & C., P. S. C. No. 6, effective March 13, 1916.

No. 5864; March 10, 1916; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than March 20, 1916, a supplement to or a superseding issue of its freight tariff P. S. C., 2 N. Y., No. 544, filed to take effect March 20, 1916, for the purpose of changing the schedules of joint live stock mileage scale carload rates shown in said tariff applicable to calves and hogs, and goats, lambs, and sheep, in single-deck cars, reducing each rate contained in said schedules, so far as same apply to New York intrastate traffic, three-tenths of one cent per hundred pounds on calves and hogs, and one-half cent per hundred pounds on goats, lambs, and sheep. This permission is void unless the tariff publication containing said revised schedules is filed with the Commission on or before March 19, 1916.

Completed by supplement No. 1 to P. S. C. No. 544, effective March 20, 1916.

No. 5865; March 11, 1916; E. Morris, Agent:

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) and The New York, Chicago and St. Louis Railroad Company, or their duly authorized agents, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to freight tariffs as follows: E. Morris, Agent's, P. S. C., 2 N. Y., No. 22; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), P. S. C., 2 N. Y., Nos. 507 (L. S. & M. S. series), and 205 (D., A. V. & P. series); and The New York, Chicago and St. Louis Railroad Company, P. S. C., 2 N. Y., Nos. 443, 482, and 528, for the purpose of further postponing, as to New York intrastate traffic, from March 15, 1916, until July 13, 1916, the taking of effect of items operating to increase rates or charges on packing house products, provisions, and meats, which items are now under postponement until March 15, 1916. The tariff publications issued hereunder to bear date of issue March 15, 1916, and this permission will be void unless such tariff publications are filed with the Commission on or before March 15, 1916.

Completed by proper supplements to the tariffs, effective March 15, 1916.

No. 5866; March 11, 1916; W. S. Kallman, Assistant Freight Traffic Manager New York Central Lines:

Ordered: That each and every carrier, or their duly authorized agents, be and are hereby authorized to publish and file, in the manner prescribed

by the Public Service Commissions Law and the Commission's regulations established thereunder, by not less than one day's notice, tariff supplements operating to cancel, on or before March 21, 1916, rates on paper and kindred articles stated in schedules contained in tariff supplements the effective date of which is now under postponement until March 21, 1916, under authority of this Commission's special permission No. 5627, of date September 10, 1915.

It is further Ordered: That in the issuance of the tariff supplements herein authorized the requirement of Rule 9 of Circular No. 55 limiting the number or size thereof is waived.

Completed by proper cancellation notices filed by the various carriers.

No. 5867; March 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish, on not less than one day's notice, rate of forty-two cents per ton of two thousand pounds on Logs, in carloads, minimum weight fifty thousand pounds, from Harrisville, N. Y., Lake Bonaparte, N. Y., and Diana, N. Y., to Briggs, N. Y.; and rate of thirty-two cents per ton of two thousand pounds from Jayville, N. Y., to Briggs, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 121, effective March 20, 1916.

No. 5868; March 13, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective April 1, 1916, by not less than five days' notice, an amendment to its freight tariff G. O., P. S. C., 2 N. Y., No. 778, for the purpose of correcting error in second item on page seven of supplement No. 6 to said tariff, changing station Group Nos. 6072 to 6079 to read "Nos. 6072 to 6097."

Completed by supplement No. 7 to G. O., P. S. C. No. 778, effective April 1, 1916.

No. 5869; March 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a joint commodity tariff in connection with the Boston and Albany railroad to New York Central destinations, and in connection with the Boston and Albany and West Shore railroads to West Shore Railroad destinations, and therein establish on Unburned Ground Limestone, carloads, minimum weight forty thousand pounds, from Dover Plains, N. Y., the reduced rates per two thousand pounds stated in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 2440, effective March 20, 1916.

No. 5870; March 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1909, and therein

establish, on not less than one day's notice, rate of one dollar and eighty-four cents per cord on Pulp Wood, carloads, minimum twelve cords, from Poland, N. Y., to Great Bend, N. Y., and Felts Mills, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C., N. Y. C. No. 1909, effective March 23, 1916.

No. 5871; March 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than March 20, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., L. S. No. 90, filed to take effect March 20, 1916, for the purpose of changing the schedules of joint live stock mileage scale carload rates shown in said tariff applicable to calves and hogs, and goats, lambs and sheep, in single-deck cars, reducing each rate contained in said schedules, so far as same apply to New York intrastate traffic, three-tenths of one cent per hundred pounds on calves and hogs, and one-half cent per hundred pounds on goats, lambs, and sheep. This permission is void unless the tariff publication containing said revised schedules is filed with the Commission on or before March 19, 1916.

Completed by supplement No. 2 to P. S. C. L. S. No. 90, effective March 20, 1916.

No. 5872; March 16, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than three days' notice, an amendment to its passenger tariff P. S. C., 2 N. Y., No. 226, for the purpose of reducing the one-way cash fare between Stop 4 and Rochester, N. Y., from fifteen cents to ten cents. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 226, effective April 4, 1916.

No. 5873; March 17, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than five days' notice and effective not before April 13, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3762, Exceptions to Official Classification, for the purpose of changing item 160, page 28, supplement No. 53, to read:

"Paper, printing, n. o. s., in rolls, bales, bundles, crates, or boxes, in carloads from Saugerties, N. Y., to Territories J and K 6th class.

"Paper, enameled, glazed, or surface-coated, in rolls, bales, bundles, crates, or boxes, in carloads from Saugerties, N. Y., to Territories J and K 6th class."

This change, as to interstate traffic and as to rates on surface-coated paper, in carloads, is being made by carrier to comply with order of the Interstate Commerce Commission dated February 15, 1916, in I. & S. Docket No. 644. As to New York intrastate traffic the change on short notice is permitted in order that proper relationship may be maintained as between intrastate and interstate traffic, but is in nowise to be regarded as an expression by the Commission of approval or disapproval of the change herein authorized.

Completed by supplement No. 57 to P. S. C. No. 3762, effective April 13, 1916.

No. 5874; March 18, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a freight tariff as superseding its P. S. C., 2 N. Y., No. 578, reissuing the matter contained therein without change except as to the first section, which is to read as follows:

"On all freight except coal and coke between connections with other railroads and private sidings located on this company's tracks, Rochester, Oak Street Terminal to Barge Canal and Flower City Tissue Mills Siding, inclusive, \$3.50 per car."

This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1235, effective March 22, 1916.

No. 5875; March 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 121, and therein establish, on not less than one day's notice, a rate of four and two-tenths cents per hundred pounds on Logs, carloads, minimum weight fifty thousand pounds, from Orleans Corners, N. Y., to Watertown, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 121, effective March 25, 1916.

No. 5876; March 17, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than fifteen days' notice nor effective before April 19, 1916, a freight tariff of minimum carload weights on Coal and Coke to supersede tariff A. A., P. S. C., 2 N. Y., No. 87, filed to take effect April 19, 1916, reissuing matter contained without change except to provide in connection with the minimum weights on coke, coke breeze, coke dust, and coke ashes, when loaded in open cars, the following:

"When the weight of coke, coke breeze, coke dust, or coke ashes loaded in an open car that has been fully loaded does not equal the minimum weight provided above, shipment will be billed at actual weight."

Completed by A. A., P. S. C. No. 88, effective April 19, 1916.

No. 5877; March 22, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than April 10, 1916, a joint commodity freight tariff as canceling its P. S. C., 2 N. Y., No. D-3253, filed to take effect April 10, 1916, reissuing the matter contained therein without change except to show The Pennsylvania Railroad Company and The Pittsburg, Shawmut and Northern Railroad Company as participating carriers under concurrence form and number on file with this Commission, and to reduce the rate from stations taking group No. 3 to Burna, N. Y., from \$1.90 to \$1.70 per ton of two thousand pounds.

Completed by P. S. C. No. D-3262, effective April 10, 1916.

No. 5878; March 22, 1916; Lowville and Beaver River Railroad Company:

Ordered: That the Lowville and Beaver River Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than three days' notice, a local passenger tariff for the purpose of reducing the one-way fare between New Bremen, N. Y., and Beaver Falls, N. Y., from twenty cents to fifteen cents, and the round-trip fare from thirty to twenty-five cents; and to establish one-way and round-trip fares between new stops Ridge Road, Farneys Crossing, and Capidon, and between such points and other stations upon its line as shown in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 46, effective April 17, 1916.

No. 5879; March 22, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a local commodity tariff, and therein establish rate of two dollars and thirty-six cents per ton of twenty-two hundred and forty pounds on Axles, old car; Borings (iron or steel); Rails, old (regardless of the purpose for which they are used); Scrap (iron or steel); Turnings (iron or steel); and Wheels, old car (loose or attached to axles), in carloads, minimum weight as shown in tariff P. S. C., 2 N. Y., No. 9131, from Childwold, N. Y., to Solvay, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2489, effective March 29, 1916.

No. 5880; March 22, 1916; Erie Railroad Company (Line Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That the Erie Railroad Company (line Buffalo, Salamanca, N. Y., and west thereof) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than April 1, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. A-581, filed to take effect April 1, 1916, for the purpose of changing the schedules of joint live stock mileage scale carload rates shown in said tariff applicable to calves and hogs, and goats, lambs, and sheep, in single-deck cars, reducing each rate contained in said schedules, so far as same apply to New York intrastate traffic, three-tenths of one cent per hundred pounds on calves and hogs, and one-half cent per hundred pounds on goats, lambs, and sheep. This permission is void unless the tariff publication containing said revised schedules is filed with the Commission on or before March 31, 1916.

Completed by supplement No. 1 to P. S. C. No. A-581, effective April 1, 1916.

No. 5881; March 24, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff, and therein establish, on not less than one day's notice, a rate of forty-three and two-tenths cents per can on Condensed Milk, in forty-quart cans, carloads, minimum three hundred cans, from Wallkill, N. Y., over its line via Campbell Hall, N. Y., and the New York, Ontario and Western railway to Norwich,

N. Y., such rate to include free return of empty cans but not to include icing. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 705, effective March 26, 1916.

No. 5882; March 24, 1916; The Baltimore and Ohio Railroad Company:

Ordered: That The Baltimore and Ohio Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than March 25, 1916, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 40, for the purpose of revising, as to New York intrastate traffic, Rules 7 and 9 as shown in application. This change on short notice is permitted in order that these rules may apply uniformly as to state and interstate traffic, it being understood that such change has been authorized, as to interstate traffic, by the Interstate Commerce Commission.

Completed by supplement No. 1 to P. S. C. No. 40, effective April 3, 1916.

No. 5883; March 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a commodity freight tariff, and therein establish on Condensed Milk, in barrels and in cans (boxed), carloads, minimum weight as per official classification, from Gouverneur, N. Y., to New York state destinations shown in its tariff P. S. C., 2 N. Y., N. Y. C. No. 1853, the same rates as are now provided in such tariff as applicable from DeKalb Junction, N. Y., to such destinations. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2624, effective March 31, 1916.

No. 5884; March 25, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than April 1, 1916, a freight tariff of general storage rules canceling its similar tariffs P. S. C., 2 N. Y., Nos. 445 and 564, which last referred to tariff was filed to take effect April 10, 1916, reissuing the matter contained in P. S. C., 2 N. Y., No. 564, without change other than to amend Rule 5 to read as shown in application. This change on short notice is permitted in order that these rules may apply uniformly as to state and interstate traffic, it being understood that such change has been authorized, as to interstate traffic, by the Interstate Commerce Commission.

Completed by P. S. C. No. 566, effective April 9, 1916.

No. 5885; March 25, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than April 1, 1916, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 405, for the purpose of revising, as to New York intrastate traffic, Rules 7 and 9 as shown in said applications. This change on short notice is permitted in order that these rules may apply uniformly as to state and interstate traffic, it being understood that such change has been authorized, as to interstate traffic, by the Interstate Commerce Commission.

Completed by supplement No. 6 to P. S. C. No. 405, effective April 4, 1916.

No. 5886; March 25, 1916; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice and effective not earlier than April 1, 1916, a freight tariff of charges and regulations governing the storage of domestic freight, canceling its similar tariffs P. S. C., 2 N. Y., Nos. 676 and 704, which last referred to tariff was filed to take effect April 10, 1916, reissuing the matter contained in P. S. C., 2 N. Y., No. 704, without change other than to amend section A of Rule 5 to read as shown in application. This change on short notice is permitted in order that these rules may apply uniformly as to state and interstate traffic, it being understood that such change has been authorized, as to interstate traffic, by the Interstate Commerce Commission.

Completed by P. S. C. No. 709, effective April 9, 1916.

No. 5887; March 25, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a supplement to its tariff of car demurrage rules, T. D., P. S. C., 2 N. Y., No. 11, for the purpose of establishing a rule to increase demurrage rate from one to two dollars per day after the third demurrage day, applying to New York intrastate traffic at all stations and sidings (except as shown in tariff T. D., P. S. C., 2 N. Y., No. 11) on lines of The Pennsylvania Railroad Company east of Pittsburgh and Erie, such rule to expire as of June 15, 1916. This change on short notice is permitted in order that these rules may apply uniformly as to state and interstate traffic, it being understood that such change has been authorized, as to interstate traffic, by the Interstate Commerce Commission.

Completed by supplement No. 3 to T. D. P. S. C. No. 11, effective April 1, 1916.

No. 5888; March 27, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than three days' notice, a local commodity tariff on Ground Limestone, carloads, minimum weight forty thousand pounds, from Buffalo, N. Y., at rates in cents per two thousand pounds, to points as follows: Kellogg, N. Y., to East Hamburg, N. Y., 57; Orchard Park, N. Y., to Glenwood, N. Y., 62; East Concord, N. Y., to West Valley, N. Y., 68; Ashford, N. Y., to Great Valley, N. Y., 73; Peth Siding, N. Y., to Salamanca, N. Y., 76; Rochester, N. Y., to Silver Springs, N. Y., Gainesville, N. Y., to Devereaux, N. Y., and Killbuck, N. Y., to Limestone, N. Y., 85; Chase, N. Y., to Perry, N. Y., 94. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by P. S. C. No. 1237, effective April 5, 1916.

No. 5889; March 28, 1916; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff and therein establish, on not less than one day's notice, a rate of one dollar and seventy-eight cents per ton of two thousand pounds on Gypsum Rock, in carloads (minimum weight to be specified), from Union Springs, N. Y., over its line via Weedsport, N. Y., and the West Shore railroad to Alsen, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3264, effective April 2, 1916.

No. 5890; March 28, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local freight tariff, and therein establish, on not less than one day's notice, a rate of forty-three and one-tenth cents per can on Condensed Milk, in forty-quart cans, less carloads, from South Fort Plain, N. Y., to Frankfort, N. Y., such rate to include free return of empty cans but not to include icing. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 706, effective April 1, 1916.

No. 5891; March 29, 1916; Delaware and Northern Railroad Company:

Ordered: That the Delaware and Northern Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff and therein establish, on not less than one day's notice, a rate of five and one-half cents per hundred pounds on Turned Stock or Stuff, n.o.s., wooden, in carloads, minimum weight thirty-four thousand pounds, and rate of ten cents per hundred pounds on less carload lots of five thousand pounds or over, from Margaretville, N. Y., to East Branch, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 157, effective April 4, 1916.

No. 5892; March 29, 1916; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than three days' notice, a freight tariff, and therein establish on Milk, Cream, and Condensed Milk from various points on its line to Randolph, N. Y., the rates in cents per can of ten gallons as per exhibit made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3565, effective April 5, 1916.

No. 5893; March 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by not less than one day's notice, a freight tariff, and therein establish on Fluid Milk, in cans of forty quarts, from various points on its line to Newport, N. Y., and in connection with the West Shore railroad to Frankfort, N. Y., the carload and less carload rates in cents per can as stated in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2638, effective April 1, 1916.

No. 5894; March 29, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a commodity freight tariff on Pulp Wood, in carloads, minimum weight forty thousand pounds, from Oswego, N. Y., to Fulton, N. Y., at rate of thirty-seven cents per ton of two thousand pounds, said tariff to be issued as superseding tariffs P. S. C., 2 N. Y., Nos. 1336, 2281, and 2599. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2678, effective April 1, 1916.

No. 5895; March 30, 1916; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of switching charges to apply to interplant switching in yard of Vacuum Oil Company at Rochester, N. Y., on Bituminous Coal, in carloads, as follows: On cars of 110,000 pounds capacity or less, \$5 per car; on cars of 130,000 pounds capacity, \$6.50 per car; on cars of 140,000 pounds capacity, \$7 per car. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by A. A., P. S. C. No. 89, effective April 10, 1916.

No. 5896; March 30, 1916; Staten Island Rapid Transit Railway Company:

Ordered: That the Staten Island Rapid Transit Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement amending its freight tariff P. S. C., 2 N. Y., No. 134, and provide therein for the making of a charge of two dollars per car for diversion or reconsignment on all carload traffic except coal and coke. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. No. 134, effective April 10, 1916.

No. 5897; March 30, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff in connection with The New York Central Railroad Company on Hay, in carloads, minimum weight as per official classification, from The Delaware, Lackawanna and Western Railroad Company stations Johnson City, N. Y., to Owego, N. Y., inclusive, and from stations on its Ithaca branch to stations on the New York Central railroad at rates in cents per hundred pounds as follows: Castleton, N. Y., to Inwood, N. Y., inclusive, Westchester Avenue, New York city, Claremont Park, N. Y., to Mt. Vernon, N. Y., inclusive, and Dunwoodie, N. Y., to Nepperhan, N. Y., inclusive, 15.8; Bronxville, N. Y., to Chatham, N. Y., inclusive, and Nepera Park, N. Y., to Tilly Foster, N. Y., inclusive, 18.4. This permission is void unless the schedule issue thereunder is filed with the Commission within ten days from the date hereof.

Completed by P. S. C. No. 2679, effective April 8, 1916.

No. 5898; March 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff, and therein establish, on not less than one day's notice, a rate of ten cents per hundred pounds on Heading, wood; Hoops, wood; and Staves, wood, in carloads, minimum weight as per official classification, from Salisbury Center, N. Y., to Brighton, Portland Avenue, Kent Street, and State Street stations, Rochester, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2650, effective April 3, 1916.

No. 5899; March 31, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date March 31, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regula-

tions of the Commission established thereunder, effective upon not less than one day's notice, a local coal tariff naming placing and handling charges on Anthracite Coal at Tift Farm Trestle (Buffalo, N. Y.), establishing a rate of twenty-five cents per twenty-two hundred and forty pounds to apply to the placing of Anthracite Coal, in carloads, on Tift Farm Trestle, and transferred from cars into vessels. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. A-129, effective April 6, 1916.

No. 5900; March 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its applications of date March 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, rules governing deliveries of freight at New York, Brooklyn, Queensboro Terminal, Long Island City, N. Y., and vicinity, and lighterage and terminal regulations in New York Harbor; also warehouse storage regulations, such supplement to establish regulations to govern charges for reconsignment of eastbound freight; also to amend page 53, first paragraph, third line; page 54, Rules 4, 4 (a), and 4 (b); page 55, Rules 4 (c), 5, and 6; page 56, Rule 9; page 62, Rules 13 and 13 (a); page 63, Rule 23, as per statements contained in said applications. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 2483, effective April 10, 1916.

No. 5901; March 31, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its applications of date March 30, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., W. S. No. 667, rules governing deliveries of freight at New York, Brooklyn, Queensboro Terminal, Long Island City, N. Y., and vicinity, and lighterage and terminal regulations in New York Harbor; also warehouse storage regulations, such supplement to establish regulations to govern charges for reconsignment of eastbound freight; also to amend page 51, first paragraph, third line; page 52, Rules 4, 4 (a), 4 (b), and 4 (c); page 53, Rules 5, 6, 8, and 9; page 60, Rules 14 and 14 (a); and page 61, Rule 25, as per statements contained in said applications. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. W. S. No. 667, effective April 10, 1916.

No. 5902; March 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2129, rules governing diversion or reconsignment of carload freight in transit, such supplement to amend Note (E), page 6, as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 2129, effective April 10, 1916.

No. 5903; March 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a tariff of switching charges at 60th Street station, New York city, as superseding its tariff P. S. C., 2 N. Y., N. Y. C. No. 2130, such new tariff to establish such changes from the present tariff as set forth in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2640, effective April 10, 1916.

No. 5904; March 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a tariff of switching charges at 33rd Street station, New York city, as superseding its tariff P. S. C., 2 N. Y., N. Y. C. No. 2131, such new tariff to establish such changes from the present tariff as set forth in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2641, effective April 10, 1916.

No. 5905; March 31, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date March 30, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., W. S. No. 558, rules governing diversion or reconsignment of carload freight in transit, such supplement to amend Note (E), page 6, as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. W. S. No. 558, effective April, 10, 1916.

No. 5906; March 31, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date March 30, 1916, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a freight tariff to supersede its P. S. C., 2 N. Y., No. 320, such tariff to establish rules to govern storage, handling, and reconsignment of freight at Rensselaer, N. Y., warehouse, making such changes from rules now in effect as set forth in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 568, effective April 10, 1916.

No. T.&T. 111; March 29, 1916; New York Telephone Company:

Ordered: That under its application of date March 29, 1916, the New York Telephone Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective April 1, 1916, upon not less than one day's notice, a supplement to its local general tariff P. S. C.,

N. Y., No. 231. Said supplement to cancel supplement No. 1 to such tariff and restore into full force and effect the rates, rules, and regulations contained in local general tariff P. S. C., N. Y., No. 231. This permission is void unless the schedule issued thereunder is filed with the Commission on or before March 31, 1916.

Completed by supplement No. 2 to P. S. C. No. 231, effective April 1, 1916.
No. El-11; March 13, 1916; Westchester Lighting Company:

Ordered: That the Westchester Lighting Company be and is hereby authorized to publish and file with the Commission, by not less than three days' notice and effective March 17, 1916, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, amendments to its General Schedules for Electricity, P. S. C., 2 N. Y., Nos. 1 to 6 inclusive, for the purpose of providing service classifications available for installations of 750 horsepower and over under a minimum charge of twenty-five thousand dollars per year, and a two-charge rate based on a fixed charge of maximum demand, and energy charge for current consumed, as stated in application.

Completed by schedules effective March 17, 1916.

No. El-12; March 17, 1916; Twin State Gas and Electric Company:

Ordered: That the Twin State Gas and Electric Company be and is hereby authorized to publish and file with the Commission, by not less than five days' notice and effective April 1, 1916, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, for the purpose of providing service classification for electric cooking and heating applicable to consumers having or installing special circuits to be connected to special meters, based on guarantee minimum yearly bills, \$24 for installations requiring less than 6 kw. to operate and \$4 per year per kw. for installations requiring 6 kw. or more to operate, and charge for current for first 10 kw. hours used during the month 10½c per kw. hour, all in excess of 10 kw. hours used during the month 3c per kw. hour, with prompt payment discount of one-half cent per kw. hour provided the bill is paid at the office of the company on or before the tenth day immediately following the monthly period for which the bill is rendered. The service classification issued under this permission to bear notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El-12, of date March 18, 1916," and to be filed with the Commission at least five days prior to April 1, 1916.

Completed by schedule effective April 1, 1916.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law for the elimination of the Pondfield Road grade crossing of the New York and Harlem railroad in the village of Bronxville, Westchester county.

Upon the recommendation of The New York Central Railroad Company, as indicated by the signature of its chief engineer upon a plan showing temporary station facilities proposed to be provided on the west side of the tracks at Bronxville in connection with the grade crossing elimination work now under way, and upon a similar recommendation of the Village of Bronxville, as indicated upon said plan by the signature of the village president, it is

Ordered: That the said plan entitled "Temporary Station Layout, Bronxville, N. Y." dated November, 1915, and marked Issue No. 3, showing such temporary station facilities, be and is hereby approved by this Commission.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of The New York, Lackawanna and Western Railway Company, The Delaware, Lackawanna and Western Railroad Company, the Town Board and Board of Highway Superintendents of the Town of Cheektowaga, Erie county, and the President and Trustees of the Village of Sloan, Erie county, for the elimination of the Harlem Avenue grade crossing of The New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad, in the town of Cheektowaga and village of Sloan, and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of

eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on March 30, 1916, determined and directed that the present grade crossing of Harlem avenue lying partly in the town of Cheektowaga and partly in the village of Sloan, Erie county, by the New York, Lackawanna and Western railway, the Erie railroad, the Lehigh Valley railroad, and the Lehigh and Lake Erie railroad; and Kennedy Road crossing in the town of Cheektowaga of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad shall be closed and discontinued, and that the highway traffic at the points mentioned shall be diverted to an overgrade crossing to be constructed in Harlem avenue in accordance with the specifications of said order of March 30th, the total cost of such eliminations and changes having been estimated at the sum of \$400,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$100,000. Now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$269,000), there shall now be segregated and set apart to the credit of grade crossing case No. 2805 above entitled the sum of \$100,000 to meet the State's share of the cost of the eliminations in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 2964]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CAER,
Commissioners.

In the matter of the Application of the NEW YORK TELEPHONE COMPANY under the provisions of section 101 of the Public Service Commissions Law for authority to issue \$5,000,000 par value of its first and general mortgage 4½ per cent gold sinking bonds.

Amendatory
order.

Petition filed May 28, 1912; order entered May 28, 1912; supplemental petition filed February 2, 1916; report of division of telegraphs and telephones dated March 2, 1916. By order herein dated May 28, 1912, the New York Telephone Company was authorized to issue and sell at not less than 95 per cent of their face value \$5,000,000 face value of first and general mortgage 4½ per cent sinking fund gold bonds and to use the proceeds realized from the sale thereof for certain new construction as set forth in such order. As shown by verified reports filed in this proceeding, all of the securities so authorized have been sold and the proceeds thereof expended for the purposes specified in the order. By supplemental petition herein filed the 2nd day of February, 1916, the company states that the cost of the sub-station equipment installed, for which bond proceeds to the amount of \$1,050,000 were authorized, is \$12,370.10 less than the amount authorized therefor, and it desires to apply this under-run toward the other purposes shown in the aforesaid order. The report of the division of telegraphs and telephones dated

March 2, 1916, recommends that the petition be granted. Now therefore, upon the foregoing record,

Ordered: 1. That subdivision (c) of ordering clause 2 of the order entered herein the 28th day of May, 1912, is hereby modified and amended by the substitution therefor of the following:

(c) That the proceeds of the sale of said bonds be used for the following purposes and no others:

1. Additional sub-station equipment.....	\$1,087,629.90
2. Additional exchange lines, including pole lines, aerial cable, wire, conduit, underground and submarine cable.....	2,162,370.10
3. Central office equipment.....	1,000,000.00
4. Expenditures to complete the Seneca and Tupper central office buildings in Buffalo, and the West 37th Street central office building in Manhattan, New York city.....	800,000.00
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	\$5,000,000.00

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5250]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE MONTGOMERY ELECTRIC LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law as to extension of its electric lines from Sharon Springs to Cherry Valley, and exercise of rights and privileges under franchises; and under section 69 for authority to issue \$15,000 capital stock.

First
supplementary
and
amendatory
order.

Under date of December 7, 1915, The Montgomery Electric Light and Power Company was authorized to issue \$15,000 par value of its common capital stock and to use the proceeds realized from the sale thereof for certain specified purposes. By report herein verified the 3rd day of March, 1916, the sale of \$10,000 of such stock at par is shown, and expenditures to the amount of \$4849.11 in excess of the proceeds realized from such sale are reported. The company states, however, that it will not need for the purposes specified in the order the additional \$5000 of stock which still remains to be issued, and prays for a modification of such order to authorize the issuance of only \$10,000 par value of common capital stock. It appears from the aforesaid report that for certain purposes the amounts of stock proceeds authorized are insufficient, and for other purposes the proceeds are in excess of expenditures which have been made, and that the order should also be modified in those particulars. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clauses Nos. 4 and 5 of the order herein dated December 7, 1915, are hereby modified and amended by the substitution therefor of the following:

4. That The Montgomery Electric Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$10,000 par value of its capital stock which shall be sold at a price not less than the par value thereof.

5. That said stock of the par value of \$10,000 so authorized, or the proceeds thereof to the amount of \$10,000, shall be used solely and exclusively for the following purposes:

(a) For the construction of a transmission line from the village of Sharon Springs to the sub-station of the petitioner to be erected in the village of Cherry Valley, a distance of approximately 8½ miles.....	\$6,181.70
(b) For the construction of a sub-station in the village of Cherry Valley and the purchase of the necessary equipment therefor.	2,387.28
(c) For the construction of a distribution line in the village of Cherry Valley, all of which construction is detailed in schedule J appended to the petition herein.....	3,924.24
(d) For the purchase of the following equipment for the municipal street lighting system of Cherry Valley:	
1 5-k.v.a. 2200-volt primary 6.6 amp. street lighting transformer	\$150.00
Street lighting fixtures.....	165.00
Lamps	42.64
Miscellaneous material and labor.....	108.04
	<hr/>
	465.68
(e) Engineering, organization, and legal work.....	309.88
(f) For the purchase of all of the capital stock of the Cherry Valley Gas Company, namely 190 shares of the par value of \$25 each	1,500.00
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	\$14,768.28

Amount unprovided for..... \$4,768.28

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for the aforesaid purpose, subject to the limitations herein contained, a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in schedule J of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

2. That ordering clause No. 6 of the aforesaid order dated December 7, 1915, be modified and amended by the substitution for the amount "\$15,000" wherever it appears therein the amount "\$10,000," the purpose and effect of this modification being to only authorize the issue and sale of \$10,000 of common capital stock.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except the \$1500 allowed for the purchase of the capital stock of the Cherry Valley Gas Company.

[Case No. 5290]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of EDISON ELECTRIC LIGHT AND POWER COMPANY OF AMSTERDAM, New York, under section 69 of the Public Service Commissions Law for authority to issue \$327,000 common capital stock, a first mortgage for \$1,500,000, and \$350,000 in 5 per cent bonds to be secured by said mortgage.

Petition filed November 9, 1915; certified copy of agreement of consolidation of Edison Electric Light and Power Company of the City of Amsterdam, New York, and the Amsterdam Arc Light Company filed November 20, 1915; proposed form of mortgage filed February 7, 1916; report of division of capitalization dated February 9, 1916; report of electrical engineer dated February 25, 1916; final report of division of capitalization dated March 6, 1916; hearing held March 28, 1916; supplemental petition filed March 30, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the final report of the division of capitalization in this proceeding dated March 6, 1916, is hereby served upon the Edison Electric Light and Power Company of Amsterdam, New York, and the proposed journal entries shown in schedule III, pages 14 to 19 inclusive of that report, shall be entered upon the books of the Edison Electric Light and Power Company of Amsterdam, New York, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the fixed capital accounts of the Edison Electric Light and Power Company of Amsterdam, New York, as corrected by the journal entries which the petitioner has been herein directed to make, having been carefully checked and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

3. That the Uniform System of Accounts for Electrical Corporations is hereby amended in its application to the accounts of the Edison Electric Light and Power Company of Amsterdam, New York, in so far as is necessary, so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

4. That the Edison Electric Light and Power Company of Amsterdam, New York, is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the New York Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the 1st day of October, 1915, to secure an issue of first mortgage thirty-year gold bonds, bearing interest at the

rate of 5 per cent per annum payable semiannually on the 1st day of April and October in each year, to the aggregate amount of \$1,500,000 face value, a copy of which has been filed with the Commission herein, and that the form of such indenture so filed is hereby approved.

5. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the mortgage in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by the Commission.

6. That the Edison Electric Light and Power Company of Amsterdam, New York, is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$400,000 face value of its 5 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

7. That the Edison Electric Light and Power Company of Amsterdam, New York, is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$277,000 par value of its common capital stock.

8. That said bonds of the total face value of \$400,000 shall be sold for not less than 85 per cent of their face value and accrued interest, to give net proceeds of \$340,000.

9. That said stock of the total par value of \$277,000 shall be sold for not less than its par value, to give net proceeds of \$277,000.

10. That said bonds of the face value of \$400,000 and stock of the par value of \$277,000 herein authorized, or the proceeds thereof to the amount of \$617,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of promissory notes outstanding at July 31, 1915, or the renewals thereof.....	\$564,122.54
(b) For the discharge of accounts payable to the Fonda, Johnstown & Gloversville Railroad Co. as of July 31, 1915.....	17,367.88
(c) To pay in full the legal services of the petitioner in connection with this petition, including the drawing of the mortgage, drawing of all papers in connection with the petition, attendance before the Commission, and the performance of all services necessary or required by the applicant to consummate this proceeding and the subsequent issuance of bonds and stock, including all reports to be made hereafter to the Public Service Commission in connection with this proceeding.....	5,000.00
(d) For recording of mortgage, for New York State recording tax, for Federal documentary tax on bonds, for Federal documentary tax on stock, for charges and expenses of trustee named in mortgage, and for printing of said bonds.....	3,363.50
(e) For working capital.....	27,146.08
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	\$617,000.00

in so far as the same may be applicable, provided (a) that the working capital provided in subdivision (e) hereof, together with any portion of the security proceeds herein authorized to be used in paying for legal services as provided in subdivision (c), and those authorized for the payment of other expenses in connection with the recording of the mortgage and issuance of the bonds as provided in subdivision (d) hereof, in excess of the requirements for such purposes, shall be conserved and used as working capital by the petitioner, which working capital shall not be disbursed by the company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business; (b) that the expenditures of the proceeds herein authorized for the purposes enumerated under subdivisions (c) and (d) hereof shall be charged to the account "Unamortized Debt Discount and Expense".

11. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Edison Electric Light and Power Company of Amsterdam, New York, unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

12. That if the said stock and bonds of the total face value of \$677,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$617,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

13. That the Edison Electric Light and Power Company of Amsterdam, New York, shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such periods, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

14. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory stipulation duly authorized by its board of directors and verified, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

15. That the Edison Electric Light and Power Company of Amsterdam, New York, shall during each of the calendar years 1916 and 1917, apply at least \$7500, if earned, to the reduction of its corporate deficit account, and it shall within thirty days after January 1, 1918, make application to this Commission to reopen this case for the purpose among others of determining the method, including the precise rate and amount at which the corporation shall periodically thereafter provide for its corporate deficit.

16. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not, except in the amount of approximately \$284,735.83, in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5325]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of CLYDE T. GRIFFITH under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated between Albany and Slingerland.

A petition under chapter 667 of the laws of 1915 having been filed with this Commission by Clyde T. Griffith for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that beyond the Albany city line the busses shall be operated through the hamlets of Normansville, Elsmere, and Delmar to the hamlet of Slingerland; and public hearings on said petition, after due notice, having been held by the Commission on December 22, 1915, and upon several adjourned dates thereafter, at which said hearings Richard O. Bassett, esq., and William B. Phipps, esq., appeared as attorneys for petitioner; and William A. Glenn, esq., and Andrew J. Nellis, esq., as attorneys for the New Scotland Avenue Transportation Company, Inc. (the petitioner in another proceeding pending before this Commission, and which has been heard simultaneously herewith), appeared in opposition; and testimony and arguments having been presented in support of and in opposition to the granting of this petition, and also of the petition of the said New Scotland Avenue Transportation Company, Inc. (case No. 5452); and it appearing that franchises have been granted by the common council of the City of Albany to this petitioner, and to the said New Scotland Avenue Transportation Company, Inc., as well, to operate motor vehicles over specified routes within the city of Albany, each of which franchises contains a restriction that local passengers shall not be carried within the limits of the city of Albany, but that the operations of said motor vehicles shall be confined exclusively to persons traveling between points without the city and points within the city, or from points within the city to points without the city limits; and it appearing further that while the motor vehicles sought to be operated by petitioner will be in direct competition with the motor vehicles of the said New Scotland Avenue Transportation Company, Inc., outside the city limits, this Commission has no jurisdiction, for the purposes of this proceeding, except as to those portions of the routes which lie within the limits of the city of Albany, and that within these limits the routes are not actually in competition with each other, different streets having been designated in the respective franchises over which these rival lines may respectively operate within the limits of the city of Albany; and it appearing to the Commission that under these circumstances it would not be warranted in withholding a certificate of convenience and necessity to either of the said applicants by reason of the opposition of the other, there being as aforesaid no actual duplication of routes within the only locality embraced in these applications which for the purposes of this proceeding is under the jurisdiction of this Commission, namely the city of Albany; and the Commission being of the opinion that public convenience and necessity require the operation of motor busses over the streets within the city of Albany mentioned in the franchise granted this petitioner by the common council of the City of Albany, for the purposes

indicated in the said franchise; now therefore this Commission hereby certifies that public convenience and necessity require the operation by Clyde T. Griffith of a system of motor busses, under the terms and conditions set forth in the franchise heretofore granted to the petitioner by the common council of the City of Albany, over and along Broadway from Union Station north to Clinton avenue, thence westerly on Clinton avenue to North Pearl street, thence southerly along North Pearl street to State, and continuing southerly on South Pearl street to Hudson avenue, thence westerly along Hudson avenue to Dove street, thence southerly on Dove street to Madison avenue, thence westerly on Madison avenue to Delaware avenue, and thence southerly on Delaware avenue to the city limits. This certificate is granted subject to all the terms and conditions of the franchise hereinbefore mentioned, and subject to present and future ordinances of the City of Albany, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto. This certificate is not assignable without the consent of this Commission.

[Case No. 5379]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the GRASSE RIVER RAILROAD CORPORATION under section 55 of the Public Service Commissions Law, and subdivision 10, section 8, of the Railroad Law, for authority to issue \$150,000 common capital stock, a mortgage for \$500,000, and \$150,000 6 per cent bonds secured by the mortgage.

Petition filed January 12, 1916; certified copy of articles of incorporation filed January 26, 1916; report of division of capitalization dated February 3, 1916; report of transportation engineer dated February 10, 1916; revised form of proposed mortgage filed March 27, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Grasse River Railroad Corporation is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to execute and deliver to the Bankers Trust Company of Buffalo as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of January, 1916, to secure an issue of first mortgage twenty year gold bonds, bearing interest at the rate of 6 per cent per annum payable semiannually on the first days of July and January in each year, to the aggregate amount of \$500,000 face value, a copy of which has been filed with the Commission, and that the revised form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the mortgage in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by the Commission.

3. That the Grasse River Railroad Corporation is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$150,000 face value of 6 per cent 20-year first mortgage bonds under the aforesaid mortgage.

4. That the Grasse River Railroad Corporation is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$150,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$150,000.

5. That said bonds of the total face value of \$150,000 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$150,000.

6. That said securities of the total par or face value of \$300,000 so authorized, or the proceeds thereof to the amount of \$300,000, shall be used solely and exclusively for the following purposes:

(a) For the purchase from the Emporium Forestry Company of 16.87 miles of railroad constructed by said company, extending from Childwold to Cranberry Lake, as more particularly described in exhibit "B" attached to the petition herein, and detailed in the report of the division of steam railroads dated February 10, 1916, as follows:

1. Engineering	\$25,000.00
2. Land for transportation purposes.....	25,200.00
3. Grading	63,000.00
4. Bridges, trestles, and culverts.....	6,000.00
5. Ties	24,000.00
6. Rails	40,000.00
7. Other track material.....	9,600.00
8. Ballast	8,000.00
9. Track laying and surfacing.....	13,500.00
10. Crossings and signs.....	500.00
11. Station and office buildings.....	4,500.00
12. Roadway buildings	800.00
13. Water stations	1,500.00
14. Coaling station timber.....	2,000.00
15. Shops and engine houses.....	5,200.00
16. Telegraph and telephone lines.....	1,500.00
17. Roadway tools	500.00
18. 4 steam locomotives	17,000.00
19. Other locomotives, 2 gasoline cars.....	2,900.00
20. 37 freight-train cars.....	8,550.00
21. 3 passenger-train cars.....	5,000.00
22. Work equipment, ten units.....	8,550.00
23. General expenses, interest during construction, law expenses, etc	20,000.00

\$292,800.00

(b) For working capital..... 7,200.00

\$300,000.00

provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

7. That if the said securities of a total par or face value of \$300,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$300,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That the Grasse River Railroad Corporation shall open and maintain its accounts in accordance with the classifications of accounts ordered by the Interstate Commerce Commission and adopted by this Commission, and shall further subdivide its account "Investment in Road and Equipment" in accordance with the statement of property set forth in subdivision (a) of ordering clause No. 6 herein, marked numbers 1 to 23 inclusive, provided however that of the amount therein contained for general expenses one-half shall be charged to "Discount on Funded Debt" and the remainder to the appropriate subaccounts of the defined account "Investment in Road and Equipment"; and further provided that the amount representing the cost of

that portion of the property not now to be acquired by the corporation, equal to 0.93 mile of railroad constructed, as more particularly described in exhibit B attached to the petition herein, shall be charged to accounts receivable, the purpose and effect of this requirement being to make the road and equipment accounts of the Grasse River Railroad Corporation reflect the cost of property to which the company has title at the present time.

9. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Grasse River Railroad Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

10. That the Grasse River Railroad Corporation shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

11. That the Grasse River Railroad Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period respectively, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Classification of Investment in Road and Equipment of Steam Roads the expenditures for such purposes have been charged; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary of the expenditures during the period showing the distribution by accounts provided in the Classification of Investment in Road and Equipment of the total expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

12. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5452]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman.

DEVON P. HODSON,

WM. TEMPLE EMMET,

FRANK IRVINE,

JAMES O. CARR,

Commissioners.

Petition of NEW SCOTLAND AVENUE TRANSPORTATION COMPANY, INC., under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated in and between Albany and Slingerland.

A petition under chapter 667 of the laws of 1915 having been filed with this Commission by the New Scotland Avenue Transportation Company, Inc., for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that beyond the Albany city line the busses shall be operated through the hamlets of Normansville, Elsmere, and Delmar to the hamlet of Slingerland; and public hearings on said petition, after due notice, having been held by the Commission on March 15 and 29, 1916, at which said hearings William A. Glenn, esq., appeared as attorney for petitioner; and Richard O. Bassett, esq., and William B. Phipps, esq., as attorneys for Clyde T. Griffith, who is himself the petitioner in another proceeding pending before this Commission and which has been heard simultaneously herewith; and testimony and arguments having been presented in support of and in opposition to the granting of this petition, and also of the petition of the said Clyde T. Griffith (case No. 5325); and it appearing that franchises have been granted by the common council of the City of Albany to this petitioner, and to the said Clyde T. Griffith as well, to operate motor vehicles over specified routes within the city of Albany, each of which franchises contain a restriction that local passengers shall not be carried within the limits of the city of Albany, but that the operations of said motor vehicles shall be confined exclusively to persons traveling between points without the city and points within the city, or from points within the city to points without the city limits; and it appearing further that while the motor vehicles sought to be operated by petitioner will be in direct competition with the motor vehicles of the said Clyde T. Griffith outside the city limits, this Commission has no jurisdiction, for the purposes of this proceeding, except as to those portions of the routes which lie within the limits of the city of Albany, and that within these limits the routes are not actually in competition with each other, different streets having been designated in the respective franchises over which these rival lines may respectively operate within the limits of the city of Albany; and it appearing to the Commission that under these circumstances it would not be warranted in withholding a certificate of convenience and necessity to either of the said applicants by reason of the opposition of the other, there being as aforesaid no actual duplication of routes within the only locality embraced in these applications which for the purposes of this proceeding is under the jurisdiction of this Commission, namely the city of Albany; and the Commission being of the opinion that public convenience and necessity require the operation of motor busses over the streets within the city of Albany mentioned in the franchise granted this petitioner by the common council of the City of Albany, for the purposes indicated in the said franchise; now therefore this Commission hereby certifies that public convenience and necessity require the operation by the New Scotland Avenue Transportation Company,

Inc., of a system of motor busses, under the terms and conditions set forth in the franchise heretofore granted to the petitioner by the common council of the City of Albany, over and along Broadway from the Union Station north to Columbia street, thence westerly on Columbia street to North Pearl street, thence southerly along North Pearl street to South Pearl street, thence southerly along South Pearl street to Hudson avenue, thence westerly along Hudson avenue to Lark street, thence southerly along Lark street to Delaware avenue, thence southerly along Delaware avenue to the city limits. This certificate is granted subject to all the terms and conditions of the franchise hereinbefore mentioned, and subject to present and future ordinances of the City of Albany, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto. This certificate is not assignable without the consent of this Commission.

[Case No. 5492]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue \$450,000 in five-year 6 per cent gold notes, and for authority to execute a trust agreement regarding them.

Petition filed March 29, 1916; memorandum of division of capitalization dated April 4, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Auburn and Syracuse Electric Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$437,500 face value of 6 per cent five-year gold notes dated February 1, 1916, under a certain trust agreement bearing the same date given to the Trust and Deposit Company of Onondaga as trustee, to secure an authorized issue of a total face value of \$450,000, the form of which agreement is hereby approved.

2. That said notes of the total face value of \$437,500 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$437,500.

3. That said notes of the face value of \$437,500 so authorized, or the proceeds thereof to the amount of \$437,500, shall be used solely and exclusively for the following purposes:

(a) To discharge 6% notes of petitioner dated February 1, 1915, which matured February 1, 1916, or their renewals.....	\$250,000.00
(b) To discharge 6% notes of petitioner dated February 1, 1915, which mature August 1, 1916, or their renewals.....	115,000.00
(c) To retire car trust certificates, Series A, which matured January 1, 1916.....	7,950.00
(d) To pay accrued interest on the petitioner's first mortgage bonds, due April 1, 1916.....	36,500.00
(e) To apply toward the payment of accounts payable which at January 31, 1916, amounted to \$45,852.86.....	28,050.00
	<hr/> \$437,500.00

4. That if the said notes of a total face value of \$437,500 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$437,500, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

5. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Auburn and Syracuse Electric Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Auburn and Syracuse Electric Railroad Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what notes have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such notes were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or the proceeds thereof expended the report shall set forth such fact.

7. That the authority contained in this order to issue notes is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any notes are issued pursuant hereto, and within thirty days of the service hereof, the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

8. That this proceeding shall be and hereby is continued on the records of this Commission until the examination which is to be made of the books, accounts, and affairs of the petitioner herein shall have been concluded, and the corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3829]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of April, 1916.

Present:

SEYMOUE VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of the SOUTH SHORE GAS COMPANY under section 68 of the Public Service Commissions Law for approval of a gas franchise from the Town of Islip and for permission to construct thereunder; and also for approval under section 70 of the Public Service Commissions Law of a proposed lease of said franchise by the petitioner to the Suffolk Gas and Electric Light Company.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by the South Shore Gas Company for approval of a gas franchise from the Town of Islip and for permission to construct thereunder; and also for approval under section 70 of the Public Service Commissions Law of a proposed lease of said franchise by the petitioner to the Suffolk Gas and Electric Light Company; and public notice of the pendency of the petition having been published in newspapers in the vicinity; and public hearings on said petition, after due notice, having been held at the New York office of the Commission in the Metropolitan Tower on January 21 and February 4, 1916, Henry R. Frost appearing as attorney for the petitioner; Marvin Sheibler appearing in person and by Ralph K. Jacobs, attorney, in opposition; Peter E. Nostrand, county superintendent of highways, and B. H. Wait of the State Commission of Highways also appearing generally in the matter; and testimony having been taken and arguments made in support of and in opposition to the granting of the said petition; and the Commission, after hearing such testimony and arguments, being of the opinion that no valid or sufficient reason has been shown why the franchise granted to the said South Shore Gas Company by the town board and superintendent of highways of the Town of Islip on November 7, 1912, should not be approved, or why permission to construct thereunder should not be granted, or why approval under section 70 of the Public Service Commissions Law of a proposed lease of said franchise by the petitioner to the Suffolk Gas and Electric Light Company should not be given; it is hereby

Ordered: That this Commission, under section 68 of the Public Service Commissions Law, hereby approves of the exercise of the aforesaid gas franchise granted to petitioner on November 7, 1912, by the town board and superintendent of highways of the Town of Islip, Suffolk county, New York, as required by section 68 of the Public Service Commissions Law, and hereby permits and authorizes the construction, maintenance, and operation of a gas plant and gas mains in the said town of Islip pursuant to the said franchise. And it is

Further Ordered: That this Commission, under section 70 of the Public Service Commissions Law, hereby consents to the proposed lease of said franchise by the petitioner to the Suffolk Gas and Electric Light Company dated November 7, 1912, a copy of which said lease is annexed to the petition herein marked exhibit II and made a part thereof. And it is hereby

Further Ordered: That no construction work in or upon any state or county highway shall be undertaken unless and until consent to and approval of such construction work shall first have been duly given by the State Commission of Highways.

[Case No. 4929]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of the ADIRONDACK ELECTRIC POWER CORPORATION under section 68 of the Public Service Commissions Law for permission to construct in the village of Green Island, Albany county, poles, wires, conduits, and fixtures for transmitting and furnishing the public with electricity for light, heat, and power; and for approval of the exercise of a franchise therefor received from the village.

The Adirondack Electric Power Corporation filed its petition on April 27, 1915, requesting the permission and approval of this Commission to the exercise of a franchise granted by the Village of Green Island, Albany county, N. Y. The Village of Green Island, through the village attorney, filed an objection to the granting of the application, setting forth that the copy of franchise filed with the Commission was not in the form in which the same was passed by the board of trustees. This objection was brought to the attention of the petitioner, and thereafter, to wit on or about February 23, 1916, there was filed with the Commission a certified copy of the franchise originally granted on February 22, 1915, as amended by an ordinance passed by the board of trustees of the Village of Green Island on June 28, 1915. Said franchise and the amendment thereof have been duly accepted by the Adirondack Electric Power Corporation.

A hearing upon the application was held at the office of the Commission in the city of Albany on April 3, 1916, at which time Mr. R. A. Pritchard appeared as attorney for the petitioner. On the hearing, there were filed with the Commission proofs of publication of the notice of the application for permission to construct an electric plant in the village of Green Island and to exercise a franchise granted by the board of trustees of said village. It appeared on the hearing that the Village of Green Island operates a municipal plant, and supplies electricity for lighting the streets as well as for commercial purposes. It formerly obtained power from the state dam at Troy, but since the removal of that dam the village has been deprived of power from that source and it has now entered into a contract with the petitioner for such electric energy as may be required for the uses of the village. The petitioner does not compete with the municipality in the sale and distribution of electric energy for lighting purposes in the village of Green Island, but the petitioner supplies such energy in the village only for power purposes excepting where it is required for lighting purposes on the premises where its power is used, and this franchise is for the purpose of enabling it to distribute such electric energy throughout the village. Under all the circumstances, the parties do not consider that section 90 of the Village Law applies to the present franchise, which is in effect a renewal of the franchise under which the petitioner and its predecessors have been supplying electricity in the village of Green Island since 1903. There being no opposition to the granting of this application, and the Commission having determined that the exercise of such franchise, and the construction, maintenance, and operation of an electric plant by the petitioner in the village of Green Island are necessary and convenient for the public service, it is

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Adirondack Electric Power Corporation to construct, maintain, and operate an electric plant in the village of Green Island, Albany county, New York, and to exercise all the rights and privileges set forth in the franchise granted to said corporation by the board of trustees of the Village of Green Island on February 22, 1915, as amended by an ordinance passed by the board of trustees of said village on June 28, 1915, subject to all the terms and conditions therein set forth.

[Case No. 5137]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of NEW YORK STATE RAILWAYS against A. D. SIMS, THEO. FRANK, JOHN ARNOLD, H. MESARD, WM. F. JOHNSON, LEWIS MACK, and A. B. CASTOR of Rochester, alleging violations of sections 25 and 26 of the Transportation Corporations Law (chapter 667 of the laws of 1915).

The New York State Railways filed a complaint against A. D. Sims and others on August 13, 1915, alleging that said individuals were operating motor vehicles along and upon the streets of Rochester, N. Y., without having complied with the requirements of chapter 667 of the laws of 1915 relative thereto. The Commission thereafter instituted a proceeding against one Elmer G. Booth, who was also operating a motor vehicle upon the streets of the city of Rochester in the same manner as the said Sims, and it was understood between the counsel for the said Booth and the Commission that the determination in the Booth case would apply to and be binding upon Sims and the others against whom the complaint was made by the New York State Railways. The courts having determined that the operation of these motor vehicles in the city of Rochester in the manner complained of was in violation of law, and the same having been enjoined, and the Commission now being informed that of the parties complained of by the New York State Railways none is now running a motor vehicle in the city of Rochester in the manner complained of, there seems to be no reason why the complaint should not be dismissed subject to the right of the complainant to move to reopen the same upon a proper showing. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission, with the right to the complainant to move to reopen the same if it shall be advised that any of the respondents is operating a motor vehicle in violation of the provisions of chapter 667 of the laws of 1915.

[Case No. 5344]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of THE MARTIN CANTINE
COMPANY of Saugerties *against* THE NEW YORK CEN-
TRAL RAILROAD COMPANY, for itself and as lessee of
the West Shore Railroad, as to rates on surface coated
paper from Saugerties to points in this State.

This case being at issue upon complaint and answer on file, and hearing
having been had; and it now appearing that the defendants have filed and
posted in the manner prescribed in section 29 of the Public Service Commis-
sions Law rates not in excess of sixth class for the transportation of surface
coated paper, in carloads, from Saugerties, N. Y., to other points in New York
state to which class rates are applicable; and it appearing further that such
rates are satisfactory to the complainant, it is

Ordered: That the complaint herein be dismissed, without prejudice to the
complainant to file another complaint against any or all of the rates now or
hereafter charged on surface coated paper from Saugerties, N. Y., to points
within the State of New York.

[Case No. 5358]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of EDWARD F. MURRAY,
President Merchants' Line (a boat freight line operat-
ing from Troy), *against* THE DELAWARE AND HUD-
SON COMPANY, protesting against certain tariffs and
supplements, in connection with the Merchants' Line,
filed by The Delaware and Hudson Company, chang-
ing transfer point from Green Island to Albany.

This case having been heard by the Commission and due consideration hav-
ing been given to the complaint herein, and the Commission having deter-
mined that the complaint herein should be dismissed for the reasons set forth
in the accompanying opinion, it is

Ordered: That the complaint be and the same hereby is dismissed and the
case closed on the records of the Commission.

[Case No. 5361]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of April, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**In the matter of the Complaint of LOVINA O. NICHOLS
ET AL. against NEW YORK TELEPHONE COMPANY as to
rates quoted for telephone service.**

Lovina O. Nichols and others complained that the respondent refused to furnish certain rural service except at exorbitant rates and under inequitable conditions. The Commission is now informed on behalf of the complainants that there is a prospect of an early construction of lines which will meet their wants and they state that the case may be closed. It is therefore

Ordered: That this case be and the same hereby is closed, with leave however to reopen if and when the complainants or any of them so desire.

[Case No. 5420]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of April, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**In the matter of the Complaint of RESIDENTS OF BELL-
MORE, Nassau county, against THE LONG ISLAND RAIL-
ROAD COMPANY, asking that the passenger station at
that point be kept open in the early morning.**

Complaint having been made by residents of Bellmore, Long Island, against The Long Island Railroad Company because of the failure of the respondent to comply with complainants' request to open the waiting room of its station at Bellmore for the early morning trains between 5:15 and 6:34 a. m.; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing before the Commission on the 31st day of March, 1916, Charles F. Doellner, one of the complainants, appearing in person; and C. L. Addison, assistant to the president, appearing for the respondent; and testimony having been taken and arguments made upon the said complaint, from which it appears that the situation complained of is one which can probably be rectified by the respondent's entrusting the possession of a key to the station to some responsible commuter who will undertake to open the station early in the morning and lock it again after the departure of the last train previous to 7 a. m., when the regular station agent comes on duty; and both parties hereto having expressed themselves as entirely ready and willing to adjust the present controversy in this matter; and respondent having stated that suitable arrangements of this kind would be made in the immediate future, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to either party to move to reopen same after a reasonable time in the event that no arrangement of the sort hereinbefore referred to; or other arrangements, shall have been made, or in the event that the arrangement agreed to shall after suitable trial prove to be impracticable or unsatisfactory, in which case an effort will be made to adjust the matter in some other way that will be fair to both parties.

[Case No. 5466]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the incorporated village of Skaneateles, Onondaga county, poles, wires, and appurtenances for transmitting and furnishing electricity to the village power station alone, and for approval of the exercise of a franchise received from the village.

The Niagara, Lockport and Ontario Power Company asks permission to construct poles, wires, and appurtenances for transmitting electricity in the incorporated village of Skaneateles, and for approval of the exercise of a franchise therefor granted March 2, 1916, by the village board. There is in the village of Skaneateles a municipal electric plant which has heretofore purchased its power from the present applicant, the power being delivered outside the village limits. It is now desired both by the applicant and by the village that the applicant shall construct a transmission line from its present lines in the town of Skaneateles into the village to the sub-station of the municipal plant in order that the current may be there delivered. It is not desired to furnish current to any person or institution except the village, and the franchise contains a restriction to that effect. Under the circumstances it does not seem that the case is within the reason of subdivision 9 of section 90 of the Village Law, requiring a vote of the electors in order to authorize a franchise to furnish light or power when such village owns and uses an electric light plant: the object of that statute being manifestly to prevent competition with the municipal plant unless assented to by vote of the electors and not to require that the plant shall generate its own power; it is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service; and it is

Ordered: 1. That the permission and approval of the Commission be given to Niagara, Lockport and Ontario Power Company, under section 68 of the Public Service Commissions Law, to construct, maintain, and operate the necessary poles, wires, cables, appliances, and structures in, through, upon, and across the following highways at approximately the points hereinafter mentioned, not for the purpose of furnishing light or power within the village of Skaneateles, but for the sole purpose of transmitting electric power to the village power station for delivery and sale to the Village of Skaneateles itself for its municipal plant: Across Elizabeth street near its intersection with Griffin street; across Griffin street at its north and near its intersection

with Elizabeth street, and along the easterly side of Griffin street from its intersection with said Elizabeth street to a point just south of the north line of the property of Joseph and Anita Murray; across Kelly street just southwest of the southwesterly line of Skaneateles outlet.

2. That the permission and approval of the Commission be given to said Niagara, Lockport and Ontario Power Company to exercise the rights and privileges conferred by said franchise granted by the village board of the Village of Skaneateles March 2, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5468]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of RALPH Y. MATTHEWS under section 68 of the Public Service Commissions Law for permission to construct an electric plant in the incorporated village of Unionville, Orange county, and for approval of the exercise of a franchise to use streets and public places received from the village.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Ralph Y. Matthews for permission to construct an electric plant in the incorporated village of Unionville, Orange county, New York, and for approval of the exercise of a franchise received from the village to use streets and public places; and public notice of the pendency of the petition having been published in newspapers in the vicinity; and a public hearing on said petition, after due notice, having been held at the New York office of the Commission in the Metropolitan Tower on April 3, 1916, Watts, Oakes and Bright (by John Bright) appearing as attorneys for the petitioner, and no one appearing in opposition; and proper explanation having been given of the purpose of the petition; and the Commission being of the opinion that no valid or sufficient reason exists for withholding its approval of the exercise of the franchise or its consent to the construction of the electric plant aforesaid, it is hereby

Ordered: That this Commission, under section 68 of the Public Service Commissions Law, hereby approves the exercise of the aforesaid franchise from the Village of Unionville, and hereby permits and authorizes the construction, maintenance, and operation of an electric plant in the said village pursuant to the said franchise granted petitioner by the Village of Unionville on February 15, 1916. And it is

Further Ordered: That no construction work in or upon any state or county highway shall be undertaken unless and until consent to and approval of such construction work shall first have been duly given by the State Commission of Highways.

Finally, it is hereby determined and stated that the exercise of the said franchise and the construction work hereinabove referred to is necessary and convenient for the public service.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon a plan showing the construction of a new roadway through the Holiday Farm and an extension of the railroad station plaza, as called for in the Commission's modified order dated March 16, 1916, in the above entitled matter; and upon a similar recommendation of the Town of Rhinebeck as indicated upon said plan by the signature of the supervisor, it is

Ordered: That said plan dated March 28, 1916, marked "Issue No. 1," showing the work herein referred to, be and it is hereby approved.

[Case No. 5308]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a first refunding and improvement mortgage, issue \$775,000 in 5 per cent 30-year gold bonds to be secured thereby, and to issue \$300,000 6 per cent cumulative preferred stock.

Petition filed November 29, 1915; amended petition filed December 18, 1915; certificate of increase of capital stock and classification of such increase filed February 4, 1916; stipulation dated March 7, 1916; proposed form of mortgage marked "Final Draft" filed March 17, 1916; preliminary report of division of capitalization dated March 20, 1916; hearing held March 27, 1916; report of division of capitalization dated April 3, 1916. The application herein is for authority to refund all the present outstanding bonds and notes of the petitioner, exchange 6 per cent cumulative preferred stock for the non-cumulative now issued, and to issue securities the proceeds of which are to be used for proposed additions and betterments to the property of the petitioner herein and for working capital.

In a previous proceeding before the Commission filed February 17, 1909, and known as case No. 741, the Binghamton Light, Heat and Power Company applied for authority to do various things, including the making of a refunding mortgage, the issue of \$180,000 of bonds thereunder, and the use of the proceeds of such bonds to pay and discharge notes outstanding of \$158,000. After inquiring into the accounts and affairs of the petitioner and after a hearing in the matter, the Commission by its order of August 4, 1909, denied the application, but held the case open on its record so that the petitioner might progress it according to any one of the plans which were suggested in the written opinion of the Commission. Thereafter the Commission held conferences with representatives of the petitioner, and on January 31, 1910, authorized the making of the mortgage and the issuance and sale of bonds thereunder to an amount sufficient to realize proceeds to pay and discharge the note indebtedness of \$158,000. There was a condition contained in this order which required the petitioner to credit its fixed capital with \$100,000 contemporaneously with the issue of the aforesaid bonds, and the authorization to issue bonds was not to become effective until the petitioner filed with the Commission its written acceptance of such condition. This order was not accepted by the company. Instead, it applied to the Commission for a rehearing so far as the Commission had denied the matter originally petitioned for. This application for a rehearing was denied on August 25, 1910. The petitioner thereafter was allowed a writ of certiorari by the Supreme Court, and the Appellate Division confirmed the order of the Commission above referred to. The Court of Appeals, however, on October 3, 1911, reversed the order of the Appellate Division and the orders of the Commission in this matter (203 N. Y. 9). The Court of Appeals said —

In the discretion of the relator the proceeding should be held open for a further hearing herein or a new application and a new hearing may be had unprejudiced by the orders that have already been made.

Accordingly, on December 30, 1911, the petitioner filed an application, known on the Commission's record as case No. 2695, for authority to issue securities and to use the proceeds among other things for some of the purposes for which it had heretofore applied. A hearing was held, and afterward the petitioner was advised of the proof which it had to furnish before the Commission could pass upon its application. This required data was not supplied, and by its order of December 30, 1914, "the proceeding was dismissed and closed upon the records of the Commission, without prejudice to its being reopened at such time as the petitioner is in a position to proceed".

The petitions which have been filed in this proceeding (case No. 5308) on November 29 and December 18, 1915, by the Binghamton Light, Heat and Power Company, have included the authorizations asked for in cases Nos. 741 and 2695, and the records in those cases, in so far as the same are pertinent, have been taken into consideration by the Commission. Upon receipt of these petitions the Commission directed its division of capitalization and its electrical engineer to examine the accounts and property of the petitioner in order that it might have before it a correct statement of the assets and liabilities of the petitioner which would enable it to determine the purposes for which the obligations which were to be funded had been incurred. The petitioner represented to the Commission that its financial obligations demanded prompt attention and urged that its application receive early consideration, and in order to facilitate the progress of the case before the Commission it entered into the following stipulation with it:

STIPULATION

STATE OF NEW YORK, ss.:
COUNTY OF NEW YORK.

The Binghamton Light, Heat and Power Company, a domestic corporation organized and existing under and by virtue of the laws of the State of New York, hereby stipulates and agrees with the Public Service Commission, Second District, State of New York, in connection with a certain application now pending before the Commission filed November 29, 1915, and being known as case No. 5308 —

1. To eliminate from its fixed capital accounts (a) all charges thereto, if there be any, not in accord with the Commission's Uniform System of Accounts for Elec-

trical Corporations; (b) all charges included therein covering property which has been retired, abandoned, or replaced, and also all charges or credits thereto or to its other prescribed accounts which are now improper under the aforesaid system of accounts: the purpose and effect of these provisions being to make the Commission's Uniform System of Accounts for Electrical Corporations retroactive with regard to the accounts of this company and its predecessor companies.

2. To raise and maintain a reserve to cover the accrued amortization on its fixed capital in an amount satisfactory to the Commission to be credited to the prescribed reserve "Accrued Amortization of Capital".

3. To further correct its accounts as may be necessary in order that they may conform fully with the requirements of the Commission's Uniform System of Accounts for Electrical Corporations which has been served on this corporation, including an allocation of the corporation's entire fixed capital to the prescribed accounts under such Uniform System of Accounts for Electrical Corporations and a reduction of its corporate surplus or deficit account to a nominal amount which may be necessitated because of these required adjustments.

4. That it will immediately debit an account to be called "Unamortized Replacements and Depreciation Suspense" with \$300,000, and concurrently credit this amount to an account entitled "Reserve for Accrued Replacements and Depreciation," which reserve will be used solely and exclusively in adjusting its fixed capital, reserve for accrued amortization, and other accounts as hereinbefore agreed upon, and that it will promptly make such additional debits to "Unamortized Replacements and Depreciation Suspense" and concurrent credits to "Reserve for Accrued Replacements and Depreciation" as may be necessary to comply satisfactorily with the requirements of this stipulation.

5. To amortize the amount to be debited to the account "Unamortized Replacements and Depreciation Suspense" by credits thereto and concurrent debits to the account "Other Contractual Deductions from Income," in accordance with the program to be determined upon by the Commission, which may be as follows: \$5000 during the calendar year 1916, and thereafter annually by an amount which is \$500 in excess of the charge of the preceding year to "Other Contractual Deductions from Income" for this purpose, provided that the said company may amortize the amount debited to the account "Unamortized Replacements and Depreciation Suspense" more rapidly than may be required by the Commission by means of charges to its "Corporate Surplus or Deficit" account.

6. To make all charges in connection with the retirement of fixed capital covering property retired after December 31, 1915, to the account "Accrued Amortization of Capital".

Dated March 7, 1916.

BINGHAMTON LIGHT, HEAT AND POWER COMPANY.

By (signed) W. S. Barstow, President.

STATE OF NEW YORK,
COUNTY OF NEW YORK.

On the 7th day of March in the year 1916 before me personally came W. S. Barstow, to me known, who by me duly sworn did depose and say that he resides in New York, that he is the president of the Binghamton Light, Heat and Power Company, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation as set forth in certified copy of a resolution of said board annexed hereto as exhibit A, and that he signed his name hereto by like order.

[SEAL]

(Signed) HELEN M. AINSWORTH,
Notary Public, Queens County.

Cert. filed in N. Y. County, No. 1, New York County Register's No. 7003. Commission expires March 30, 1917.

The examination by the Commission's representatives of the petitioner's accounts and property was completed by the time the petitioner was ready to proceed with its case, and the results of such examination, in so far as they affect the statement of the petitioner's assets and liabilities as of December 31, 1915, have been accepted and acknowledged as correct by the petitioner. This report shows that on December 31, 1915, the assets of the petitioner amounted to \$882,638.93, which it was estimated had depreciated in the amount of \$120,004.66. This order requires that the books of the petitioner shall be adjusted to show the facts as the same have been found by the representatives of the Commission and accepted by the petitioner. It also determines the manner and extent of the petitioner's observance during the years 1916 and 1917 of the requirements imposed by the aforesaid stipulation, and provides that within thirty days after January 1, 1918, the case shall be reopened in order that the Commission shall among other things determine the method, including the precise rate and amount at which the corporation shall periodically thereafter amortize the unamortized replacement and depreciation suspense herein authorized to be set up. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Binghamton Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the Guaranty Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture deed of trust or mortgage upon all its plant and property, dated the 1st day of February, 1916, to secure an issue of first refunding and improvement mortgage 30-year gold bonds, bearing interest at the rate of 5 per cent per annum payable semiannually on the first days of April and October in each year, a copy of which in the form in which it is to be executed has been filed with the Commission herein on March 17, 1916, marked "Final Draft," and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission an affidavit by the president or other executive officer of the company stating that the mortgage as executed and filed is the same as that herein approved by the Commission.

3. That the Binghamton Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$798,000 face value of its 5 per cent 30-year first refunding and improvement mortgage gold bonds under the aforesaid mortgage.

4. That of the said bonds of the total face value of \$798,000 herein authorized, \$500,000 shall be sold at not less than 90 per cent of their face value and accrued interest; and the remainder, \$298,000, shall be sold at not less than 87½ per cent of their face value and accrued interest, which will produce net proceeds of \$710,750.

5. That the Binghamton Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$280,300 par value of its 6 per cent cumulative preferred capital stock which shall be sold at not less than its par value.

6. That said bonds of the face value of \$798,000 and stock of the par value of \$280,300 herein authorized, or the proceeds thereof to the amount of \$991,050, shall be used solely and exclusively for the following purposes:

(a) For the reacquisition of the first refunding mortgage 5 per cent gold bonds outstanding at September 30, 1915.....	\$449,000.00
(b) For exchange on the basis of par for par for 6 per cent non-cumulative preferred capital stock of the company outstanding at September 30, 1915	150,000.00
(c) For the discharge of promissory notes outstanding at September 30, 1915, or the renewals thereof.....	288,838.48
(d) For proposed expenditures for additions and betterments as detailed in exhibit C attached to the original petition, as follows:	
1. 8500-kw. turbine	\$32,000.00
2. Freight	300.00
3. Foundation	3,000.00
4. Testing	1,000.00
5. Switchboard and wiring.....	1,000.00
6. Condenser	8,000.00
7. Foundation	2,000.00
8. Piping	4,200.00
9. Labor, turbine, and condenser.....	2,000.00
10. Boiler, 500-hp., erected.....	10,000.00
11. Boiler feed pump	1,000.00
12. 3 I. R. S. regulators.....	2,000.00
13. 50-kw. motor-generator set.....	1,500.00
14. Engineering	6,800.00
15. Gasoline truck	2,500.00
	<hr/>
	77,800.00
(e) For working capital	26,411.52
	<hr/>
	\$991,050.00

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (d) hereof only in so far as the same is properly chargeable

to fixed capital as defined in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended from the proceeds of the securities authorized herein for such purposes a sum in excess of the amount set opposite thereto; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company, or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the working capital provided in subdivision (e) hereof, together with any portion of the security proceeds of \$450,000 herein authorized to be used in reacquiring the present outstanding mortgage bonds of the company in excess of the requirements for that purpose, which excess shall be conserved and used as working capital by the petitioner, shall not be disbursed by the company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

7. That if the said stock and bonds of a total face and par value of \$1,078,300 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$991,050, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Binghamton Light, Heat and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

9. That the Binghamton Light, Heat and Power Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

10. That the Binghamton Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

11. That the report of the division of capitalization in this proceeding dated April 3, 1916, is hereby served upon the Binghamton Light, Heat and

Power Company, and the proposed journal entries shown in schedule 7, pages 85 to 89 inclusive of that report, shall be entered upon the books of the Binghamton Light, Heat and Power Company, and that within thirty days of the service of this order verified proof shall be submitted to this Commission that such entries have been made.

12. That the fixed capital accounts of the Binghamton Light, Heat and Power Company, as corrected by the journal entries which the petitioner has been herein directed to make, having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

13. That the sum of \$675,054.37, the amount herein authorized to be debited to the account "Unamortized Replacements and Depreciation Suspense" by means of the journal entries referred to in ordering clause No. 11 hereof, shall be amortized at the rate of \$7500 during each of the calendar years 1916 and 1917 by means of debits of such amount to the account "Other Contractual Deductions from Income"; and the Binghamton Light, Heat and Power Company shall within thirty days after January 1, 1918, make application to this Commission for a determination among other things of the method, including the precise rate and amount at which the company shall periodically thereafter amortize the unamortized replacements and depreciation suspense herein authorized to be set up.

14. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 11 hereof, this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 11 of this order shall have been made, reported to, and approved as sufficient by this Commission.

15. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes, except to the amount of approximately \$675,054.37, are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5325]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of CLYDE T. GRIFFITH under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated between Albany and Slingerland.

Modification
of order.

It appearing that a certificate of this Commission in this matter dated April 4, 1916, should be changed because at the time said certificate was granted the franchise of the common council of the City of Albany had been assigned by Clyde T. Griffith to Fletcher V. W. Lehman, it is

Ordered: That said certificate is hereby amended to read as follows:

"A petition under chapter 667 of the laws of 1915 having been filed with this Commission by Clyde T. Griffith for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that beyond the Albany city line the busses shall be operated through the hamlets of Normansville, Elsmere, and Delmar to the hamlet of Slingerland; and public hearings on said petition, after due notice, having been held by the Commission on December 22, 1915, and upon several adjourned dates thereafter, at which said hearings Richard O. Bassett, esq., and William B. Phipps, esq., appeared as attorneys for petitioner; and William A. Glenn, esq., and Andrew J. Nellis, esq., as attorneys for the New Scotland Avenue Transportation Company, Inc. (the petitioner in another proceeding pending before this Commission, and which has been heard simultaneously herewith), appeared in opposition; and testimony and arguments having been presented in support of and in opposition to the granting of this petition, and also of the petition of the said New Scotland Avenue Transportation Company, Inc. (case No. 5452); and it appearing that franchises have been granted by the common council of the City of Albany to this petitioner (afterward assigned as hereinafter described) and to the said New Scotland Avenue Transportation Company, Inc., as well, to operate motor vehicles over specified routes within the city of Albany, each of which franchises contains a restriction that local passengers shall not be carried within the limits of the city of Albany, but that the operations of said motor vehicles shall be confined exclusively to persons traveling between points without the city and points within the city, or from points within the city to points without the city limits; and it appearing further that while the motor vehicles sought to be operated under said franchise will be in direct competition with the motor vehicles of the said New Scotland Avenue Transportation Company, Inc., outside the city limits, this Commission has no jurisdiction for the purposes of this proceeding except as to those portions of the routes which lie within the limits of the city of Albany, and that within these limits the routes are not actually in competition with each other, different streets having been designated in the respective franchises over which these rival lines may respectively operate within the limits of the city of Albany; and it appearing to the Commission that under these circumstances it would not be warranted in withholding a certificate of convenience and necessity to either by reason of the operation of the other, there being as aforesaid no actual duplication of routes within the only locality

embraced in these applications which for the purposes of this proceeding is under the jurisdiction of this Commission, namely the city of Albany; and the Commission being of the opinion that public convenience and necessity require the operation of motor busses over the streets within the city of Albany mentioned in the franchise granted this petitioner by the common council of the City of Albany for the purposes indicated in the said franchise; and it appearing that the franchise of the common council of the City of Albany has been assigned by Clyde T. Griffith to Fletcher V. W. Lehman, and that this certificate should therefore run to Fletcher V. W. Lehman; now therefore this Commission hereby certifies that public convenience and necessity require the operation by Fletcher V. W. Lehman of a system of motor busses, under the terms and conditions set forth in the said franchise heretofore granted Clyde T. Griffith by the common council of the City of Albany, over and along Broadway from Union Station north to Clinton avenue, thence westerly on Clinton avenue to North Pearl street, thence southerly along North Pearl street to State, and continuing southerly on South Pearl street to Hudson avenue, thence westerly along Hudson avenue to Dove street, thence southerly on Dove street to Madison avenue, thence westerly on Madison avenue to Delaware avenue, and thence southerly on Delaware avenue to the city limits. This certificate is granted subject to all the terms and conditions of the franchise hereinbefore mentioned and subject to present and future ordinances of the City of Albany, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto. This certificate is not further assignable without the consent of this Commission." It is hereby

Further Ordered: That the certificate heretofore granted on April 4, 1916, to the said Clyde T. Griffith, be and the same hereby is revoked and annulled.

[Case No. 5434]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the IROQUOIS NATURAL GAS COMPANY under section 68 of the Public Service Commissions Law for permission to construct, in the town of Red House, Cattaraugus county, a gas plant, including mains, pipes, and appurtenances, for furnishing the public with gas for light, heat, or power, and for approval of the exercise of a franchise therefor received by said company from the town.

The petitioner, Iroquois Natural Gas Company, under section 68 of the Public Service Commissions Law asks for authority to construct a gas plant in the town of Red House, Cattaraugus county, including mains, pipes, and appurtenances connected with said plant, for the purpose of distributing natural gas to the inhabitants of said town for light, heat, and power, and for the approval of the exercise of a franchise therefor received by the petitioner from the Town of Red House. A hearing was duly held herein in the city of Buffalo on the 31st day of March, 1916, at which hearing Mr. Fritz Fernow, of the firm of Kenefick, Cooke, Mitchell and Bass of Buffalo, appeared on behalf of the petitioner, and there were no other appearances;

and certain proofs and proceedings were thereupon taken and had whereby it satisfactorily appears that the town board of the Town of Red House, together with the superintendent of highways of said town, duly granted a written franchise to the petitioner dated August 10, 1915, to lay, construct, operate, and maintain and remove pipes and mains and other appurtenances for the conveyance, transportation, and distribution of gas in, along, and under the highways, roads, and public places in the town of Red House, a copy of which franchise is attached to the petition herein and was marked at said hearing as exhibit 1; and there being no opposition thereto; and it being determined that the construction and operation of said gas plant in the town of Red House as well as the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the Iroquois Natural Gas Company to lay, construct, operate, and maintain and remove pipes and mains and other appurtenances for the conveyance, transportation, and distribution of gas in, along, and under the highways, roads, and public places of the said town of Red House.

2. That permission and approval are hereby given to the said Iroquois Natural Gas Company to exercise all the rights and privileges conferred by the said franchise so granted by the town board and superintendent of highways of the Town of Red House on the 10th day of August, 1915, subject to and in accordance with all the terms, restrictions, conditions, and limitations of said franchise.

3. No construction under this order shall be made in, along, or under any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5435]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the IROQUOIS NATURAL GAS COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Mansfield, Cattaraugus county, a gas plant, including mains, pipes, and appurtenances for furnishing the public with gas for light, heat, or power; and for approval of the exercise of a franchise therefor received by said company from the town.

The petitioner, Iroquois Natural Gas Company, under section 68 of the Public Service Commissions Law asks for authority to construct a gas plant in the town of Mansfield, Cattaraugus county, including mains, pipes, and appurtenances connected with said plant, for the purpose of distributing natural gas to the inhabitants of said town for light, heat, and power, and for the approval of the exercise of a franchise therefor received by the petitioner from the Town of Mansfield. A hearing was duly held herein in the city of Buffalo on the 31st day of March, 1916, at which hearing Mr. Fritz Fernow, of the firm of Kenefick, Cooke, Mitchell and Bass of Buffalo, appeared on behalf of the petitioner, and there were no other appearances; and certain proofs and proceedings were thereupon taken and had whereby it satisfactorily appears that the town board of the Town of Mansfield, together with the

superintendent of highways of said town, duly granted a written franchise to the petitioner dated August 28, 1915, to lay, construct, operate, and maintain and remove pipes and mains and other appurtenances for the conveyance, transportation, and distribution of gas in, along, and under the highways, roads, and public places in the town of Mansfield, a copy of which franchise is attached to the petition herein and was marked at said hearing as exhibit 1; and there being no opposition thereto, and it being determined that the construction and operation of said gas plant in the town of Mansfield as well as the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the Iroquois Natural Gas Company to lay, construct, operate, and maintain and remove pipes and mains and other appurtenances for the conveyance, transportation, and distribution of gas in, along, and under the highways, roads, and public places of the said town of Mansfield.

2. That permission and approval are hereby given to the said Iroquois Natural Gas Company to exercise all the rights and privileges conferred by the said franchise so granted by the town board and superintendent of highways of the Town of Mansfield on the 28th day of August, 1915, subject to and in accordance with all the terms, restrictions, conditions, and limitations of said franchise.

3. No construction under this order shall be made in, along, or under any state or county highways without first obtaining the consent of the State Commission of Highways.

[Case No. 5436]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES Q. CARR,
Commissioners.

In the matter of the Petition of the IROQUOIS NATURAL GAS COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Carrolton, Cattaraugus county, a gas plant, including mains, pipes, and appurtenances for furnishing the public with gas for light, heat, or power; and for approval of the exercise of a franchise therefor received by said company from the town.

The petitioner, Iroquois Natural Gas Company, under section 68 of the Public Service Commissions Law asks for authority to construct a gas plant in the town of Carrolton, Cattaraugus county, including mains, pipes, and appurtenances connected with said plant, for the purpose of distributing natural gas to the inhabitants of said town for light, heat, and power; and for the approval of the exercise of a franchise therefor received by the petitioner from the Town of Carrolton. A hearing was duly held herein in the city of Buffalo on the 31st day of March, 1916, at which hearing Mr. Fritz Fernow, of the firm of Kenefick, Cooke, Mitchell and Bass of Buffalo, appeared on behalf of the petitioner, and there were no other appearances; and certain proofs and proceedings were thereupon taken and had whereby it satisfactorily appears that the town board of the Town of Carrolton, together with the superintendent of highways of said town, duly granted a written franchise to the petitioner dated July 31, 1915, to lay, construct, operate, and maintain

and remove pipes and mains and other appurtenances for the conveyance, transportation, and distribution of gas in, along, and under the highways, roads, and public places in the town of Carrolton, a copy of which franchise is attached to the petition herein and was marked at said hearing as exhibit 1; and there being no opposition thereto; and it being determined that the construction and operation of said gas plant in the town of Carrolton as well as the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the Iroquois Natural Gas Company to lay, construct, operate, and maintain and remove pipes and mains and other appurtenances for the conveyance, transportation, and distribution of gas in, along, and under the highways, roads, and public places of the said town of Carrolton.

2. That permission and approval are hereby given to the said Iroquois Natural Gas Company to exercise all the rights and privileges conferred by the said franchise so granted by the town board and superintendent of highways of the Town of Carrolton on the 31st day of July, 1915, subject to and in accordance with all the terms, restrictions, conditions, and limitations of said franchise.

3. No construction under this order shall be made in, along, or under any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5451]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of HASBROUCK AND COMPANY of New York city against THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD and THE NEW YORK CENTRAL RAILROAD COMPANY, asking for the establishment of joint rates on hay from points on the Ithaca division of the Delaware, Lackawanna and Western to points on the New York Central from Peekskill to Melrose Junction, and on the Harlem (lessor) from Melrose Junction to White Plains.

This complaint having been served and the companies having filed with this Commission joint rates between the points in question, and complainant having notified the Commission that this action is acceptable to it, it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied, without prejudice to complainant filing another complaint with respect to rates between other points which complainant has indicated it may do.

[Case No. 5453]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the **BUFFALO GENERAL ELECTRIC COMPANY** under section 69 of the Public Service Commissions Law for authority to issue common capital stock and first refunding mortgage bonds.

Petition filed March 3, 1916; statement showing description of construction to be performed filed March 9, 1916; report of electrical engineer dated March 21, 1916; copy of franchise granted by town board of the Town of Tonawanda, Erie county, N. Y., dated March 25, 1916; hearing held April 4, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo General Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$2,498,000 face value of 5 per cent thirty-year first refunding mortgage gold bonds under a certain indenture dated April 1, 1909, given to the Knickerbocker Trust Company as trustee, to secure an authorized issue of a total face value of \$10,000,000.

2. That the Buffalo General Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$1,174,000 par value of its common capital stock, which shall be sold at a price not less than the par value thereof, to give net proceeds of \$1,174,000.

3. That said bonds of the total face value of \$2,498,000 shall be sold for not less than 98.13 per cent of their face value and accrued interest, to give net proceeds of \$2,451,287.40.

4. That said securities of the face and par value of \$3,672,000, or the proceeds thereof to the amount of \$3,625,287.40, shall be used solely and exclusively for the purchase of 14.7 acres of land on the Niagara river in the town of Tonawanda, Erie county, N. Y., and the erection thereon of a power house and the installation of electric machinery and equipment as shown in schedule E attached to the petition herein, as follows:

(a) Real estate	\$103,000.00
(b) Station yard, including clearing, grading, light, sewer, water, power, railroad tracks, and highways, with necessary bridges	44,280.00
(c) Station building	958,900.00
(d) Steam machinery	1,154,428.00
(e) Electrical machinery	738,225.00
(f) Miscellaneous equipment and preliminary operations	45,550.00
(g) Engineering and supervision	230,000.00
(h) Construction and contingencies	217,672.00
(i) Interest during construction	105,000.00
(j) Miscellaneous overhead expenditures, including insurance	28,000.00
	<hr/>
	\$3,625,000.00

Excess \$287.40

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the

definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in schedule E of the petition and in the "Description of the Work" filed March 9, 1916, are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be the actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

5. That if the said securities of a total face and par value of \$3,672,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$3,625,287.40, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo General Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Buffalo General Electric Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no securities were sold or disposed of the report shall set forth such fact.

8. That the Buffalo General Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

9. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued

pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5476]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of FULTON CHAIN ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the incorporated village of Old Forge, Herkimer county, an electric plant, including poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the president and trustees of the village.

Application filed March 15, 1916. Proofs of publication of notice of hearing filed March 29, 1916. Hearing held April 5, 1916. C. S. Stedman, esq., of Albany appeared on behalf of the petitioner; no one appeared in opposition. The Village of Old Forge, N. Y., granted a franchise on March 9, 1915, to the petitioner, authorizing it to construct an electric plant and to sell and distribute electricity in the village of Old Forge for a period of ten years thereafter. The petitioner has been furnishing electricity for lighting purposes in said village since about January 1, 1912, pursuant to an arrangement made with the Village of Old Forge, under which the village erected within its corporate limits certain poles and strung wires thereon to enable the petitioner to supply the electric energy required. The company is also lighting the streets in the village pursuant to an arrangement with the village authorities. At the expiration of the present agreement between the parties covering street lighting, it is provided in the franchise that the petitioner shall purchase from the village at a specified price the poles, wires, and other appliances which it placed in the streets for the use of the petitioner. The Commission having determined that the construction of such electric plant and transmission and distribution lines and the exercise of the aforesaid franchise are necessary and convenient for the public service, it is

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given *nunc pro tunc* to the Fulton Chain Electric Company to construct, maintain, and operate an electric plant in the village of Old Forge, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the board of trustees of the Village of Old Forge on March 9, 1915, subject to all the terms and conditions therein set forth.

264 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5509]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for leave to continue the use of coal-burning engines on its divisions operating in the Forest Preserve until May 1, 1916.

The New York Central Railroad Company having made its written application under date of April 10, 1916, for leave to continue the use of coal-burning engines on the divisions of its road below mentioned operating in the Forest Preserve, such application being based on the allegation that the right of way through the so called Adirondack region is still largely covered by snow, thereby reducing the possibility of danger from fire to a minimum; and the application having been referred to the Conservation Commission for consideration, and no objection to the relief prayed for having been made by said Conservation Commission; after due consideration it is

Ordered: That permission is hereby granted to The New York Central Railroad Company to postpone until May 1, 1916, the use of oil-burning locomotives on its Adirondack division, Ottawa division, and the Carthage and Adirondack branch of its St. Lawrence division; provided, nevertheless, and this order is granted upon the express condition that said railroad corporation shall be prepared upon twenty-four hours' notice from this Commission to install and use oil-burning engines on said divisions of its railroad and on each of them in place of coal-burning engines before May 1, 1916, if so required by further order of this Commission; and in case of any such further order herein the present order shall thereupon at once become null and void.

[Case No. 3460]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EMPIRE UNITED RAILWAYS, INC., for consent to mortgage and authority to issue bonds thereunder.

Order denying application for rehearing.

By order herein dated December 30, 1914, the Empire United Railways, Inc., was directed to make certain adjustments in its accounts and in the accounts of its constituent corporations, and to file with the Commission a detailed verified report showing complete compliance with the requirements of that order within thirty days of its service. At the request of the petitioner the period within which the aforesaid verified report of compliance was

to be filed was extended, and under date of March 13, 1915, the company, by its president, advised the Commission that there were certain requirements of the aforesaid order to which it objected and that it desired to be heard in the matter. Thereafter, and more particularly on June 10 and 17, 1915, hearings were held on the application for a rehearing in respect to certain requirements of the order. Thereafter, and while said application for a rehearing and for an essential modification of the order above mentioned remained undetermined by this Commission, temporary receivers of the property and effects of the corporation were duly appointed by the Supreme Court. This Commission having now been advised by said receivers that the latter are prepared to comply with the requirements of said order and have no objection to a denial of the application for a rehearing and the affirmation of the order and of all of its requirements, after due consideration had it is

Ordered as follows: 1. That the application of the Empire United Railways, Inc., for a rehearing in respect to certain requirements of the order of the Commission herein dated December 30, 1914, is hereby denied, and the aforesaid order is affirmed.

2. That the said temporary receivers of the Empire United Railways, Inc., shall within thirty days of the service of this order file with the Commission a detailed verified report showing compliance with the requirements of the aforesaid order of December 30, 1914.

3. That the said temporary receivers of the Empire United Railways, Inc., shall within ten days after the service of this order notify the Commission whether or not this order with all its terms and conditions is accepted.

[Case No. 5056]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the condition of Bridge of the Erie
Railroad spanning the Genesee river at Rochester.

Complaint having been made to the Commission that the condition of a certain bridge of the respondent spanning the Genesee river in the city of Rochester had become unsafe, and the transportation division of this Commission having reported to the Commission that the condition of the bridge is such that its retention in service for a much longer period would be dangerous, the Commission, July 6, 1915, directed the respondent to show cause why the Commission should not, under section 50 of the Public Service Commissions Law, order that said bridge be replaced by a new bridge. In response to this order it appeared that the respondent was aware of the condition of the bridge and for some time had desired to construct a new bridge to take its place. It appeared however that it was impossible at that time to proceed because of certain interests of the State and differences between the respondent and the state boards and officials concerned. These differences have now been adjusted and a contract entered into between the respondent and the State. The Commission is informed that materials have been purchased for the construction of a new bridge and that such construction will be progressed as rapidly as possible. It is therefore

Ordered: That the order to show cause heretofore entered herein be and the same hereby is vacated and the case closed on the records.

[Case No. 5359]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of April, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the FULTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$49,000 preferred capital stock.

Petition filed December 27, 1915; certified copy of articles of incorporation filed December 21, 1915; certificate of increase of capital stock filed December 21, 1915; report of electrical engineer dated January 21, 1916; memorandum of division of capitalization dated January 24, 1916; hearing held January 31, 1916; memorandum by Commissioner Carr dated February 1, 1916; copy of minutes of special meeting of stockholders held March 24, 1916, filed April 1, 1916; certified copy of certificate of change of par value of capital stock filed April 1, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Fulton Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$49,000 par value of its 6 per cent non-cumulative preferred capital stock which shall be sold at a price not less than the par value thereof.

2. That the said stock of the par value of \$49,000 so authorized, or the proceeds thereof to the amount of \$49,000, shall be used solely and exclusively for improvements within the present operating territory of the petitioner proposed to be made during the years 1916 and 1917 to its plant and distribution system as summarized in exhibit A attached to the petition herein, as follows:

(a) Power plant buildings.....	\$500.00
(b) Furnaces, boilers, and accessories.....	1,000.00
(c) Accessory power plant equipment.....	2,500.00
(d) Poles and fixtures.....	12,500.00
(e) Distribution system	18,000.00
(f) Line transformers and devices.....	4,500.00
(g) Electric services	4,000.00
(h) Electric meters	4,500.00
(i) Street lighting system.....	1,500.00
	<hr/>
	\$49,000.00

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company, or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission.

3. That if the said stock of a total par value of \$49,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$49,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

4. That the Fulton Light, Heat and Power Company shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no stock was sold or disposed of the report shall set forth such fact.

5. That the Fulton Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving the details of any credits to fixed capital in connection with such expenditures; (b) a summary of the expenditures for each of such purposes during the period covered by the report; (c) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing the expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

6. That this proceeding is hereby continued on the records of this Commission until an examination which is being made of the books, accounts, and affairs of the petitioner herein by the examiners and engineers of the Commission shall have been concluded, and the corrections if any which may be found necessary by reason of such examination have been made in the accounts of said company.

7. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5369]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SOUTH DAYTON *against* ERIE RAILROAD COMPANY, asking that additional passenger trains stop at said station, which is on the Buffalo and Southwestern division. Also in the matter of the Complaint of the PRESIDENT OF THE VILLAGE OF CHERRY CREEK, and SUPERVISORS OF THE TOWNS OF CHERRY CREEK, ELLINGTON, CONEWANGO, and LEON to the same effect.

There were complaints filed with the Commission by the president and trustees of the Village of South Dayton, Cattaraugus county; and also by the president of the board of trustees of the Village of Cherry Creek, Chautauqua county; the supervisors of the towns of Cherry Creek and Ellington, Chautauqua county; and the towns of Conewango and Leon, Cattaraugus county, asking that trains Nos. 10 and 518, operated by the respondent, Erie Railroad Company, make regular stops at certain stations mentioned in said complaints; the respondent filed with the Commission its separate answers to said complaints; and several hearings were held by the Commission in the city of Buffalo, at which hearings Mr. E. W. Curtis of Cherry Creek appeared as attorney for the Village and Town of Cherry Creek and the Towns of Ellington and Leon; Mr. L. R. Van Vlack of South Dayton appeared as attorney for the Village of South Dayton; Mr. James E. Bixby of Dayton appeared for certain interested parties; Mr. William Palmer of Buffalo appeared as the attorney for certain shippers from Conewango and Cherry Creek; Mr. F. E. Williamson of Buffalo appeared for interested shippers and for the Buffalo Chamber of Commerce; Mr. Charles White, supervisor of the Town of Ellington, and Mr. C. L. Edwards, supervisor of the Town of Cherry Creek, appeared for their respective municipalities; Mr. M. B. Pierce, 50 Church street, New York city, appeared as counsel, and Messrs. A. C. Hilton, general agent passenger department, Frank Priest, traveling passenger agent, and Edward J. Edmonds, train master, all appeared for the Erie Railroad Company; and Mr. R. G. Crandall of the village of Kennedy also appeared in his own behalf and for other residents of that place; and on said hearing certain proofs and proceedings were taken and had concerning the train service in question and the necessity and convenience of the complainants in this case; after which, and on the 10th day of March, 1916, it was arranged that an adjournment be taken herein to April 7, 1916, and in the interim a conference be had between the various parties concerning such train service; and on said 7th day of April, 1916, a further hearing was had herein, at which time all of said interested parties as to said original complaints appeared and announced an adjustment of the differences between them whereby the Erie Railroad Company agreed to make all of the stops of said trains Nos. 10 and 518 as requested in said complaints, at the stations known as South Dayton, Conewango, and Cherry Creek, and the said complainants with reference to those places announced the withdrawal of their said complaints. And it satisfactorily appearing that said original complaints relate to train service between such places and the city of Buffalo, whereas the complaint of said Village of Kennedy relates to only one of said trains in the afternoon between Jamestown and Kennedy, it is therefore

Ordered: That in accordance with said agreement of the parties to this proceeding this case be and the same hereby is closed upon the records of the

Commission, on condition however that either of the parties may at any time in the future move to reopen this case for good cause shown; and as to said complaint of the Village of Kennedy, the same may be continued by said complainants as an independent case upon their filing with the Commission a written notice of such intention within ten days after the service of a copy of this order upon said complainants.

[Case No. 5412]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of NEWARK CHEESE
COMPANY, INC., *against* THE ULSTER AND DELAWARE
RAILROAD COMPANY as to refusal to ship a certain
kind of cheese in milk cars.

The complainant manufactures and ships cheese and other creamery products from many points within the State. One of these is at Grand Gorge and another at Fleischmanns, on the Ulster and Delaware railroad. The cheese shipped from these points is similar to pot cheese, which is shipped in cans and carried on milk trains. The complaint is that this same cheese pressed and packed in boxes is not carried in milk trains and therefore loses the benefit of the early market. Since the complaint was filed The Ulster and Delaware Railroad Company has filed with the Commission, effective April 28, 1916, a joint freight tariff, P. S. C., 2 N. Y., No. 141, in connection with the West Shore Railroad, The New York Central Railroad Company, lessee. The complainant now informs the Commission that this tariff substantially satisfies its complaint and that the case may be closed. It is therefore

Ordered: That the case be and the same hereby is closed upon the records of the Commission.

[Case No. 5429]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of CLARENCE A. EDWARDS
of Freeport, L. I., *against* NEW YORK TELEPHONE COM-
PANY.

The respondent having proposed a reduction in its toll rates between Freeport and Mineola, and the complainant having accordingly under date of the 7th inst. expressed his willingness that the complaint might be considered as having been withdrawn,

Ordered: That this case be and is hereby closed upon the records of the Commission.

[Case No. 5430]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SANBORN-PEKIN POWER COMPANY, INC., under section 68 of the Public Service Commissions Law for permission to construct poles, towers, wires, and appurtenances for transmitting and furnishing electricity in a portion of the town of Lewiston, Niagara county; and for approval of the exercise of rights and privileges under a franchise to use highways and public places therefor received from the town board and superintendent of highways; also for authority to issue common and preferred capital stock.

The petitioner, Sanborn-Pekin Power Company, Inc., filed its petition in this proceeding on the 11th day of February, 1916, for permission to construct its electric plant, consisting of poles, towers, wires, and appurtenances for transmitting and furnishing electricity in a portion of the town of Lewiston, Niagara county, and for approval of the exercise of a franchise to use highways and public places therefor received from the town board and superintendent of highways of said town; and which said petition also asks for authority to issue common and preferred capital stock, the proceeds of which to be used for such construction; thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before March 1, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 7th day of April, 1916, at which hearing Mr. George H. Frost of Buffalo appeared as the attorney for the petitioner, together with certain officials of said petitioner; and Messrs. Strebel, Corey, Tubbs and Beals of Buffalo having also appeared on behalf of the Niagara, Lockport and Ontario Power Company, and consented to the granting of said petition; and no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of constructing its electric distribution plant in accordance with the said franchise therefor dated December 4, 1915, and granted by the town board and superintendent of highways of the Town of Lewiston, and construct, maintain, and operate all necessary poles, towers, wires, cables, conduits, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public places of the said town of Lewiston situate and bounded on the west by a line running north and south one-half mile west of the easterly line of the Tuscarora Indian Reservation and parallel thereto; southerly by the south town line of the town of Lewiston; easterly by the east town line of the town of Lewiston; and northerly by the north town line of the town of Lewiston; for the purpose of using, distributing, and furnishing electricity for light, heat, and power to said town of Lewiston and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service; it is therefore

Ordered: 1. That permission and approval are hereby given to Sanborn-Pekin Power Company, Inc., to construct, maintain, and operate the said electric plant, and all necessary poles, towers, wires, cables, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public places in the said town of Lewiston as are located within the area described in the said franchise, for the purpose of transmitting electric power in and through said town for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of Lewiston and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Sanborn-Pekin Power Company, Inc., to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and superintendent of highways of the Town of Lewiston on the 4th day of December, 1915, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, towers, wires, cables, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

4. The matter of authorizing the issue of common and preferred capital stock which is applied for herein will be considered in a separate order in this case.

[Case No. 5430]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the SANBORN-PEKIN POWER COMPANY, INC., under section 68 of the Public Service Commissions Law for permission to construct poles, towers, wires, and appurtenances for transmitting and furnishing electricity in a portion of the town of Lewiston, Niagara county; and for approval of the exercise of rights and privileges under a franchise to use highways and public places therefor received from the town board and superintendent of highways; also for authority to issue common and preferred capital stock.

Petition filed February 11, 1916; certified copy of articles of incorporation filed January 7, 1916; copy of franchise granted by town superintendent of highways of the Town of Lewiston, Niagara county, filed January 7, 1916; hearing held April 7, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Sanborn-Pekin Power Company, Inc., is hereby authorized, pursuant to the provisions of section 68 of the Public Service Commissions Law, to issue \$1700 par value of capital stock, of which \$1200 shall be classified as common and \$500 shall be classified as 7 per cent cumulative preferred, all of which stock shall be sold at a price not less than the par value thereof, to give net proceeds of \$1700.

2. That said stock of the par value of \$1700 so authorized, or the proceeds thereof to the amount of \$1700, shall be used solely and exclusively for the construction of electric light lines in the town of Lewiston and hamlet of Sanborn, as detailed in exhibit No. 7 filed with the papers herein, in so far

as the same may be applicable; provided that the unit prices contained in exhibit No. 7 filed herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

3. That if the said stock of a total par value of \$1700 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1700, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

4. That the Sanborn-Pekin Power Company, Inc., shall for each three months' period ending June 30th, September 30th, December 31st, and March 31st file, not more than fifteen days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or the proceeds thereof expended the report shall set forth such fact.

5. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 433]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the City of Buffalo under section 90 of the Railroad Law for this Commission to determine the manner and method in which Elmwood avenue in said city shall cross the New York, Lackawanna and Western railway, leased to and operated by The Delaware, Lackawanna and Western Railroad Company.

The Delaware, Lackawanna and Western Railroad Company having submitted a canvass sheet of bids received for the substructural work required to be performed to carry out the original and modified order herein, and requested that this Commission approve the proposal of W. H. Gahagan, the

lowest bidder; and a similar request for such approval having been made by the City of Buffalo by its city engineer, it is

Ordered: That the unit price proposal submitted by W. H. Gahagan as shown upon said canvass sheet of bids be and the same is hereby approved by this Commission.

[Case No. 5388]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of FRANK B. SAUNDERS of Sodus, Wayne county, *against* AMERICAN EXPRESS COMPANY, asking for collection and delivery service.

Upon the facts found and for the reasons stated in the accompanying opinion it is

Ordered: 1. That the respondent shall within thirty (30) days after service upon it of this order extend its free collection and delivery limits in the unincorporated village of Sodus in such manner as to include the roadway from Maple avenue to a cold storage house at present occupied by Frank B. Saunders and Smith and Bennett, and to furnish collection and delivery service within the limits so extended.

2. That it may publish and file with the Commission such additional or supplemental tariffs as may be necessary to carry the foregoing order into effect, and make said tariff effective within the time hereinabove specified.

3. That it shall within fifteen days after the service of this order notify the Commission concerning its acceptance thereof.

[Case No. 5459]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of WATERTOWN TRANSPORTATION COMPANY under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown.

The Watertown Transportation Company, a corporation, seeks a certificate of convenience and necessity for the operation of a line of auto busses or stages along certain streets in the city of Watertown. The company has been operating for several years, but in pursuance of chapter 667 of the

laws of 1915 applied to the city for the consent required by that statute, and in further pursuance of the statute now makes this application. A public hearing was held in Watertown April 8, 1916, at which no one appeared in opposition. The Black River Traction Company operates a street railway in Watertown but it has no lines reaching the residential sections served by this applicant, and the traction company does not oppose the granting of this certificate. The consent of the municipal authorities was granted by resolution of the common council February 15, 1916, and approved by the mayor: it contains certain conditions; and a certified copy thereof is attached to the petition herein. Now therefore this Commission hereby certifies that public convenience and necessity require the operation by the Watertown Transportation Company of a stage route to be operated by auto busses in the city of Watertown, from the junction of Washington and Chestnut streets in the city of Watertown northerly down Washington street to Public Square, a distance of about one mile; thence up Franklin street to Arlington street, a distance of about one mile; thence northerly through Arlington street to Academy street, and westerly through Academy street to its junction with Franklin street; thence down Franklin street to Public Square, to Washington street, and southerly to Chestnut street, a distance of about one mile; making a round trip of about four miles in length. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5477]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Petitions of PORT HENRY LIGHT, HEAT AND POWER COMPANY under sections 68 and 70 of the Public Service Commissions Law for approval of transfer of electric franchise in the town of Moriah, Essex county, and for permission to construct electric lines in said town and exercise said franchise, and for approval of present construction and exercise of said franchise in said town; also under section 68 for permission to construct lines in the town of Crown Point, Essex county, which adjoins the town of Moriah, and for approval of franchise in that town; also petition of Wallace Murray under section 70 to transfer the Moriah franchise to this company.

Three applications are covered by this proceeding: one is made by Wallace Murray for permission to transfer to the Port Henry Light, Heat and Power Company a franchise granted to him on May 28, 1907, by the town board and the commissioner of highways of the Town of Moriah, which was formally assigned by him to the said corporation on March 2, 1916; the second application is by the Port Henry Light, Heat and Power Company for permission to exercise a franchise granted to it by the town board and town superintendent of highways of the Town of Crown Point, Essex county,

N. Y., on January 18, 1916; the third application is made by the Port Henry Light, Heat and Power Company for approval of the transfer to it by Wallace Murray of the franchise granted to him by the Town of Moriah on May 28, 1907, and permission and approval of the construction of an electric plant and transmission and distribution lines in said town, and the exercise of said franchise by said corporation as of August 1, 1907, since which time the corporation has in fact been exercising such franchise. Proof of publication of the notice of the application for permission to construct and operate an electric plant in the towns of Moriah and Crown Point, and to exercise franchises therein, was duly filed with the Commission on April 5, 1916. A hearing in this matter was held at the office of the Commission in the city of Albany on April 13, 1916, at which time the petitioner appeared by Harry E. Owen its attorney, no one appearing in opposition to such application. At the hearing it appeared that at the time the franchise in the town of Moriah was granted to Wallace Murray, to wit on May 28, 1907, he owned practically all of the stock of the Port Henry Light, Heat and Power Company; and that shortly thereafter, to wit on August 1, 1907, he informally transferred said franchise to the petitioner, and it has ever since been operating thereunder in said town without having procured the necessary authority from this Commission, and it now desires to obtain the same. It was stated that no written assignment of said franchise had been given to the Port Henry company until March 2, 1916, at which time the formal transfer of the franchise to the Port Henry company was made by him. The petitioner is now doing business in the town of Moriah as well as in the village of Port Henry, and desires to extend its lines southerly to the unincorporated villages of Crown Point and Crown Point Center, in the town of Crown Point, in which town it proposes to sell and distribute electric energy for lighting, heating, and power purposes. The Mineville Light, Heat and Power Company is doing business in the town of Moriah, in the unincorporated villages of Mineville and Witherbee, where lighting districts have been established, but the petitioner does not compete with that company and its business will not be interfered with if these present applications are granted as requested. After due consideration and deliberation, the Commission having determined that the construction of such electric plant, transmission and distribution lines, and the exercise of such franchises are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law consent is hereby given *nunc pro tunc* to the assignment and transfer by Wallace Murray to the Port Henry Light, Heat and Power Company of the franchise granted to him on May 28, 1907, by the town board and the commissioner of highways of the Town of Moriah, Essex county, New York, which franchise was informally assigned and transferred by said Murray to said corporation on or about August 1, 1907, and formally assigned and transferred by him to said corporation on March 2, 1916.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given *nunc pro tunc* to the Port Henry Light, Heat and Power Company to construct, maintain, and operate an electric plant, together with transmission and distribution lines, in the town of Moriah, Essex county, New York, and to exercise all the rights and privileges set forth in the franchise granted by the authorities of said town to Wallace Murray on May 28, 1907, subject to all the terms and conditions set forth therein.

3. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the construction, maintenance, and operation of an electric plant and the transmission and distribution lines required for use in connection therewith by the Port Henry Light, Heat and Power Company in the town of Crown Point, Essex county, New York, and to the exercise by said corporation of all the rights and privileges set forth in the franchise granted to it by the town board and town superintendent of highways of the

town of Crown Point on January 18, 1916, subject to all the terms and conditions therein.

4. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the investigation by the Commission of the condition of the crossing of the tracks of the Erie Railroad Company by the track of the Elmira Water, Light and Railroad Company at 14th street, in the village of Elmira Heights.

The attention of the Commission having been called to the condition of the crossing above described, the Erie Railroad Company asserting that it is not safe for operation, the crossing was inspected April 14, 1916, by the chief of the steam railroad division and the electric railway inspector of the Commission. The Erie Railroad Company served notice on the Elmira Water, Light and Railroad Company that it would apply to the Commission April 17, 1916, at 2:30 p. m., for such order as the Commission might see fit to make. In response thereto the Elmira Water, Light and Railroad Company appeared by its counsel and its general manager. The Commission then undertook an investigation upon its own motion, under section 48 of the Public Service Commissions Law, and a hearing was at once held. The Commission finds that the crossing of the single track of the Elmira Water, Light and Railroad Company and the eastbound track of the Erie Railroad Company at 14th street, in the village of Elmira Heights, is in a condition unsafe for public travel at any rate of speed because of the defective condition of one of the frogs constituting such crossing; that it is the duty of the Elmira Water, Light and Railroad Company to maintain said crossing; and that while said Elmira Water, Light and Railroad Company has ordered new crossing frogs for the purpose of reconstructing said crossing they can not be procured for several days at least. Public safety requires that there shall be no further operation over the existing frogs. It is therefore

Ordered: 1. That the Elmira Water, Light and Railroad Company forthwith remove said defective frog and replace the same by a rail or rails to be supplied by the Erie Railroad Company, securely spiked and spliced so as to afford a continuous and safe track upon which the trains of the Erie Railroad Company may be operated.

2. That before removing said frog the Elmira Water, Light and Railroad Company may move a car or cars of its own over said crossing to the easterly side thereof in order that it may operate shuttle cars in the village of Elmira Heights east of the tracks of the Erie Railroad Company, transferring passengers from car to car at said crossing.

3. That the construction and method of operation hereby ordered shall be continued until new frogs for said crossing have been procured and installed by said Elmira Water, Light and Railroad Company.

[Case No. G. C. 432]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CITY OF BUFFALO under section 90 of the Railroad Law for this Commission to determine the manner and method in which Elmwood avenue in said city shall cross the New York, Lackawanna and Western railway, leased to and operated by The Delaware, Lackawanna and Western Railroad Company.

The Delaware, Lackawanna and Western Railroad Company having requested this Commission to approve the awarding of a contract for the superstructure required to be erected to carry out the Commission's order in the above entitled matter, said contract to be included in a tonnage contract entered into by the railroad company with the American Bridge Company, by the terms of which all structural steel ordered during the year 1916 will be manufactured and delivered f. o. b. destination for a unit price of 2.55 cents per pound; and the City of Buffalo having expressed its approval to the award of the contract on said terms, as shown by letter from George H. Norton, city engineer, dated April 15, 1916; it is

Ordered: That the award of the contract for the manufacture and delivery of the necessary steel for the superstructure to the American Bridge Company at the above stated unit price of 2.55 cents per pound, be and is hereby approved.

[Case No. 1069]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the application of the KINGSTON CONSOLIDATED RAILROAD COMPANY for consent to mortgage its property and franchises for the amount of \$250,000, and to issue at once bonds secured by such mortgage to the amount of \$75,000.

Second supplemental and amendatory order.

By order herein dated December 16, 1909, the Kingston Consolidated Railroad Company was authorized to issue \$17,360 face value of its corporate notes, to mature serially and bear interest at not to exceed 6 per cent per annum; to execute a mortgage for \$250,000, and upon the security of such mortgage to issue and sell at not less than 80 per cent of the face value thereof, \$56,000 face value of 5 per cent thirty-year gold bonds; and to use the proceeds realized from the sales of such notes and bonds for certain

reconstruction and paving in the city of Kingston. Ordering clause No. 7 of such order required that verified reports be filed on the expiration of each three month period from the date of the order, showing the particulars with regard to sales and the expenditures of proceeds realized from such sales. Under date of February 15, 1910, an order was entered which authorized the company to issue its short term 6 per cent note for \$35,000, and to pledge as collateral for the payment thereof the \$56,000 of bonds heretofore authorized herein. From verified reports filed herein it appears that the note for \$35,000 has been issued and \$56,000 of bonds pledged therefor, but that the \$17,360 face value of notes originally authorized have not been issued. By letter dated March 1, 1916, signed by its secretary, the petitioner states that it is not its intention to issue these notes. It also appears from previous correspondence that the petitioner desires to be relieved from making quarterly reports required by the original order herein. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clauses Nos. 3 and 4 of the order entered herein on the 16th day of December, 1909, authorizing the issuance of \$17,360 face value of 6 per cent corporate notes are hereby vacated, and any reference in such order to said notes is hereby canceled.

2. That ordering clause No. 7 of said order of December 16, 1909, as supplemented by order dated February 15, 1910; is hereby modified and amended by the substitution therefor of the following:

"Ordered: 7. That the Kingston Consolidated Railroad Company shall not later than fifteen days from the end of each calendar year file a verified report showing (a) the face value of bonds authorized in this proceeding which are pledged as collateral security at the end of such period; (b) the principal of the note or notes, interest rates, and terms for which such bonds are pledged at that time; (c) with whom such bonds were pledged; (d) what if any bonds have been sold during such period in accordance with the authority contained in the order dated December 16, 1909, and the date of such sale; (e) to whom such bonds were sold; (f) what proceeds were realized from such sale; (g) any other terms and conditions of such sale; (h) the amount and purposes for which such bond proceeds were expended during such period in accordance with the orders herein dated December 16, 1909, and February 15, 1910. Such reports shall continue to be filed until all of the bonds authorized in the orders in this proceeding have been sold or disposed of and the proceeds expended in accordance with the authority contained therein, and if during any period no bonds were sold or the proceeds thereof expended the report shall set forth such fact."

[Case No. 5416]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES Q. CARR,
Commissioners.

In the matter of the Application of SENECA POWER CORPORATION and CENTRAL NEW YORK GAS AND ELECTRIC COMPANY and EMPIRE COKE COMPANY under sections 69 and 70 of the Public Service Commissions Law for approval of a lease of plant of Seneca Power Corporation to Central New York Gas and Electric Company, said lease to be guaranteed by Empire Coke Company; and for authority to Seneca Power Corporation to increase its capital stock from \$5000 to \$1,600,000, and to issue such stock and to make a mortgage, and to issue \$450,000 in amount of its first mortgage bonds, such bonds to be guaranteed by Central New York Gas and Electric Company. Also separate petition of Empire Coke Company under sections 69 and 70 of the Public Service Commissions Law.

Petition filed February 2, 1916; petition filed February 7, 1916 (first supplemental); second supplemental petition filed February 19, 1916; report of electrical engineer dated March 16, 1916; copy of amended form of mortgage filed March 20, 1916; amended form of collateral trust agreement filed March 20, 1916; hearing held March 29, 1916; third supplemental petition filed April 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Central New York Gas and Electric Company is hereby authorized, pursuant to the provisions of section 70 of the Public Service Commissions Law, to acquire 1500 shares each of \$100 par value, aggregating a total par value of \$150,000, of the common capital stock of the Seneca Power Corporation at not to exceed the par value thereof, and to sell the same to the Empire Coke Company for \$150,000.

2. That the Empire Coke Company is hereby authorized, pursuant to the provisions of section 70 of the Public Service Commissions Law, to acquire 1500 shares each of \$100 par value, aggregating a total par value of \$150,000, of the common capital stock of the Seneca Power Corporation from the Central New York Gas and Electric Company for \$150,000.

3. That the Empire Coke Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the Metropolitan Trust Company of the City of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture dated the 1st day of March, 1916, to secure an issue of collateral trust mortgage twenty-five year gold bonds, bearing interest at the rate of 6 per cent per annum payable semiannually on the first day of March and September in each year, to the aggregate amount of \$500,000 face value, a copy of which mortgage has been filed with this Commission herein as exhibit F, and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the indenture in the form

in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

5. That the Empire Coke Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$150,000 face value of its 6 per cent twenty-five year collateral trust mortgage bonds under the aforesaid mortgage.

6. That said bonds of the total face value of \$150,000 shall be sold for not less than 93 per cent of their face value and accrued interest, to give net proceeds of \$139,500.

7. That said bonds of the face value of \$150,000 so authorized, or all the proceeds not exceeding \$150,000, shall be used for the purpose of acquiring the capital stock of the Seneca Power Corporation of the par value of \$150,000.

8. That if the said bonds of a total face value of \$150,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$150,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

9. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Coke Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

10. That the Empire Coke Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

11. That the Empire Coke Company and the Central New York Gas and Electric Company shall within thirty days of the service of this order advise this Commission whether or not they accept the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5416]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Application of SENECA POWER CORPORATION and CENTRAL NEW YORK GAS AND ELECTRIC COMPANY and EMPIRE COKE COMPANY under sections 69 and 70 of the Public Service Commissions Law for approval of a lease of plant of Seneca Power Corporation to Central New York Gas and Electric Company, said lease to be guaranteed by Empire Coke Company; and for authority to Seneca Power Corporation to increase its capital stock from \$5000 to \$1,600,000, and to issue such stock and to make a mortgage, and to issue \$450,000 in amount of its first mortgage bonds, such bonds to be guaranteed by Central New York Gas and Electric Company. Also separate petition of Empire Coke Company under sections 69 and 70 of the Public Service Commissions Law.

Petition filed February 2, 1916; petition filed February 7, 1916 (first supplemental); second supplemental petition filed February 19, 1916; report of electrical engineer dated March 16, 1916; copy of amended form of mortgage filed March 20, 1916; amended form of collateral trust agreement filed March 20, 1916; hearing held March 29, 1916; third supplemental petition filed April 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Seneca Power Corporation is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the Metropolitan Trust Company of the City of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of March, 1916, to secure an issue of first mortgage 30-year gold bonds, bearing interest at the rate of 6 per cent per annum payable semiannually on the first days of March and September in each year, to the aggregate amount of \$450,000 face value, a copy of which indenture has been filed with this Commission herein, and that the form of such indenture so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of it in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and filed is the same as that herein approved by this Commission.

3. That the Seneca Power Corporation is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$450,000 face value of its 6 per cent thirty-year first mortgage bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$450,000 shall be sold for not less than 94 per cent of their face value and accrued interest, to give net proceeds of \$423,000.

5. That said bonds of the face value of \$450,000 so authorized, or the proceeds thereof to the amount of \$423,000, shall be used solely and exclusively for the following purposes:

(a) Cost of power plant building and equipment therein in the village of Seneca Falls, Seneca county, New York, per estimate of Mortimer G. Barnes, attached as exhibit B to the petition filed April 6, 1916.....	\$272,320.00
(b) Interest during construction.....	9,000.00
(c) Attorneys' fees and incorporation expenses, estimate— all legal expenditures herefrom in excess of \$2500 shall be charged to unamortized debt discount and expense.....	5,000.00
(d) Recording mortgage taxes.....	2,250.00
(e) Recording tax on stock increase.....	622.50
(f) United States revenue stamps on bonds.....	225.00
(g) United States revenue stamps on stock.....	800.00
	<hr/>
	\$290,217.50

provided that the amounts authorized for subdivisions (a) and (b) herein are not to be considered by the company as the actual cost of the electric plant to be constructed but are intended and shall be construed only to be a present estimate of the probable cost thereof, the actual cost to be substantiated by vouchers and records of actual expenditures made and chargeable to the cost of this work under the Commission's Uniform System of Accounts for Electrical Corporations. And after the total improvement herein set forth has been completed or contracted for and the actual cost thereof determined and an amount equal thereto segregated from the proceeds of the bonds authorized herein, then the balance remaining of said proceeds, which on the basis of the estimates submitted by the petitioner will be \$132,782.50, shall be used for the following purposes:

(h) Purchase of power from Seneca Woolen Company.....	\$80,000.00
(i) Purchase of power from Ivory Button Company.....	15,000.00
(j) Paid for engineering services.....	6,514.42
(k) Expenses of committee in litigation in Court of Claims, properly chargeable to determination of water-power rights.....	12,328.70
(l) Attorneys' fees in litigation in Court of Claims, properly chargeable to determination of water-power rights and title.....	72,000.00
	<hr/>
	\$185,838.12

Amount unprovided for if bonds are sold at 94% of face value.... \$53,055.62

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) and (b) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that if there shall be required subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission.

6. That if the said bonds of a total face value of \$450,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$476,055.62, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Seneca Power Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Seneca Power Corporation is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$1,250,000 par value of its common capital stock, which shall be sold at a price not less than the par value thereof, to give net proceeds of \$1,250,000.

9. That said stock of the par value of \$1,250,000 so authorized, or the proceeds thereof to the amount of \$1,250,000, shall be used solely and

exclusively for the following purposes: (a) To be applied first to the purposes for which the proceeds of bonds authorized in ordering clause No. 5 herein were insufficient, or as much thereof as may be necessary, \$53,055.62; (b) the balance to be paid to H. R. Micks and P. B. Kendig, a committee representing the water-power owners of Seneca Falls, N. Y., for certain water-powers, together with all title, interest, and right to utilize at the new dam in the village of Seneca Falls, the water of the Seneca outlet not needed for canal purposes reserved to the owners and determined and designated in and by a certain judgment of the Court of Claims of the State of New York in the claim of Rumsey Pump Company, Ltd., and others vs. the State of New York, dated March 23, 1916, entered in the office of the clerk of the Court of Claims on the same date, \$1,196,944.38: \$1,250,000.

10. That the Seneca Power Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

11. That pursuant to the provisions of section 70 of the Public Service Commissions Law this Commission hereby consents to the lease by the Seneca Power Corporation of its electric plant to the Central New York Gas and Electric Company, in accordance with the terms of a certain lease a copy of which is annexed to the petition herein as exhibit A.

12. That the permission and approval of this Commission is hereby given to the Central New York Gas and Electric Company to guarantee the punctual payment of the principal and interest on the entire issue of first mortgage bonds of the Seneca Power Corporation herein authorized.

13. That the authority of this Commission is hereby given to the Empire Coke Company to guarantee the punctual payment of the rental reserved and the performance of all the covenants and agreements made by the Central New York Gas and Electric Company in the lease hereinbefore approved, except the guarantee of the payment of the principal and interest of the bonds of the Seneca Power Corporation mentioned in said lease.

14. That the authorization of the present issue of capital stock of the Seneca Power Corporation for water rights on the Seneca outlet shall not be deemed to preclude this Commission from making any further or other investigation with regard to the value of the water-power rights of the Seneca Power Corporation in any complaint or investigation which may hereafter be made relative to the rates of the Seneca Power Corporation or its lessee.

15. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good

faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said petitioners shall file with this Commission satisfactory, verified stipulations duly authorized by their boards of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5489]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of INHABITANTS OF THE VILLAGE OF LEROY *against* THE PAVILION NATURAL GAS COMPANY as to the "minimum charge" for gas service.

Upon the facts found and conclusions stated in the opinion of Commissioner Hodson, which is approved and filed herein, it is

Ordered: 1. That the respondent, The Pavilion Natural Gas Company, be and hereby is directed to immediately cease and refrain from making the minimum charge for gas supplied by it in the village of LeRoy as provided for in the general tariff schedule of said company which was filed with this Commission on October 6, 1915.

2. That the said company is hereby authorized to make, enforce, and collect a monthly service charge of fifty cents to each of its customers in said village of LeRoy, in accordance with a regulation to be promulgated by said company in substantially the following form: "A service charge of 50 cents per month will be made against each consumer unless his net bill for gas consumed during the month shall equal or exceed 50 cents. The monthly service charge will cover all gas furnished during the period for which such charge is made."

3. That the said The Pavilion Natural Gas Company is hereby given special permission to file with the Commission upon five days' notice an amendment to its said general tariff schedule, and insert therein the said clause in relation thereto; and that there shall be attached thereto a notation to the effect that the said permission was granted and said regulation issued pursuant to this order of the Public Service Commission, Second District, State of New York, dated April 20, 1916, in case No. 5489.

[Case No. 5525]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the investigation of short term and terminating charges of certain telephone corporations.

Several complaints, formal or informal in character, having been lodged against certain telephone corporations, alleging that their rates for short terms and for service terminating after brief periods of use are unjust and unreasonable; and it appearing to the Commission that such individual complaints can not properly be determined without a general inquiry into the short term and terminating charges of said companies, it is

Ordered: 1. That the Commission of its own motion enter upon an investigation as to the justice and reasonableness of said rates.

2. That the New York Telephone Company, the Mountain Home Telephone Company, the Monticello Telephone Company, and the Federal Telephone & Telegraph Company be notified that said investigation has been undertaken, and that a hearing will be held at the office of the Commission in Albany on the 10th day of May, 1916, at 10 o'clock a. m.

[Case No. 2744]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE VILLAGE OF CHAMPLAIN respecting the inadequacy of electric service supplied by The Champlain Electric Company.

In this case a complaint was filed with the Commission on September 18, 1915, by the president of the Village of Champlain, Oliver LaFontaine, jr., alleging that the service of the respondent was unsatisfactory. Later, on September 28, 1915, a petition was filed with the Commission by several of the residents of the village complaining generally against the condition of the company's plant and the service rendered by it in the village. As a result of these complaints the Commission has investigated the matter and three hearings have been held at the office of the Commission in the city of Albany: on October 21, 1915, November 16, 1915, and April 20, 1916, respectively. At the various hearings the following persons appeared in support of the complaint: Oliver LaFontaine, jr., president of the Village of Champlain; W. H. Doolittle, clerk of the Village of Champlain; W. H. Dunn, attorney for the Village of Champlain; O. E. Southwick, William Branch, Leon Wiley, William Kennedy, T. H. Dickenson, C. M. Graves, and F. M. Strickland. The

respondent was represented by its president, John P. Kellas, and Fred J. Clark, manager. At the earlier hearings it developed that the complaint which was made in September was due principally to the fact that there had been a breakdown in the company's auxiliary power plant which had made it necessary to shut down the street lights temporarily, and during this period the service was also discontinued in residences and stores. Prior to the time this complaint was filed the service in the village had been reasonably good, and the witnesses stated that if the service hereafter was as good as that furnished prior to September, 1915, everyone would probably be satisfied. The evidence showed that the failure of the service was due to the fact that the auxiliary plant was not in good condition at the time it was needed, due to shut-down of the hydraulic plant because of lack of water. The Commission was of the opinion that if this auxiliary plant should be put into good working order there would probably be no further trouble with the electric service in Champlain. Representatives of the company stated at the November hearing that they would be willing to do all that was necessary to put the auxiliary plant in good working order, and with the understanding that this would be done the Commission directed the respondent to make these repairs on or before February 1, 1916, and adjourned the case until that time. On the last mentioned date the respondent requested an extension of time until March 21st in order to complete the work which was being performed. No objection was raised by the complainants to this extension and it was given by the Commission. On March 20th the respondent filed with the Commission an affidavit of its general manager to the effect that all the repairs had been made and that the auxiliary plant was in perfect condition and ready for service when required. This notification was given to the complainants, who requested that before the matter was disposed of by the Commission they desired to have a test run made by the company and that a further hearing in the matter be postponed until April 21st so as to give the company time to make this test. The respondent objected to making the test as requested by the complainants, principally on account of the expense involved, and also because it had been assured that the plant was in satisfactory condition for operation. It filed with the Commission affidavits of the men who made the repairs to the plant which were to the effect that the auxiliary plant had been thoroughly repaired and that the equipment was in first-class condition and would operate properly when needed. At the hearing on April 21, 1916, the general manager of the company testified that the plant was in first-class condition and ready for operation when needed. He also stated that the company did not desire to make a special test as requested by the complainants, as they deemed the same unnecessary; but that some time in the near future it was proposed to operate this auxiliary plant from 8 p. m. to 12 p. m. on a Saturday night at which time the complainants might be present and witness the result of the test. This was satisfactory to the complainants, and it appearing that if the plant is now in working order there will be no further cause for complaint, the Commission has determined to close the case upon its records, with the understanding that it will be reopened if it is found later that the plant is not in the condition represented. The respondent stated that such test would be made prior to the 15th of June. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of this Commission, with the understanding however that if the respondent shall fail to make a test of its auxiliary plant under load for a period of not less than four hours on some night prior to June 15, 1916, that the complainants may apply to the Commission for such further relief in the premises as they may deem necessary.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of The New York, Lackawanna and Western Railway Company; The Delaware, Lackawanna and Western Railroad Company; the Town Board and Board of Highway Superintendents of the Town of Cheektowaga, Erie county; and the President and Trustees of the Village of Sloan, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

The Delaware, Lackawanna and Western Railroad Company having requested this Commission to approve the awarding of a contract for the superstructure required to be erected to carry out the Commission's order in the above entitled matter, said contract to be included in a tonnage contract entered into by the railroad company with the American Bridge Company, by the terms of which all structural steel ordered during the year 1916 will be manufactured and delivered f. o. b. destination for a unit price of 2.55 cents per pound; and the Town of Cheektowaga and the Village of Sloan having expressed their approval to the award of the contract on said terms, as shown by letter from Mr. William Brennan, jr., attorney for both the town and the village, dated April 19, 1916, it is

Ordered: That the award of the contract for the manufacture and delivery of the required structural steel to the American Bridge Company at the above stated unit price of 2.55 cents per pound, f. o. b. cars East Buffalo, be and is hereby approved.

[Case No. 2966]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to the elimination of State Highway No. 5269 grade crossing of the Rome, Watertown and Ogdensburg division of the New York Central railroad in the town of Ellisburg, Jefferson county.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways showing expendi-

tures to the amount of \$36,772.51, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$35,930.68 has been expended by the railroad corporation and the sum of \$841.83 has been expended by the State of New York: said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$36,772.51 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$18,386.25, and the share of the State of New York is the sum of \$18,386.25, upon which it is entitled to a credit of \$841.83 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$17,544.42.

[Cases Nos. 4755, 4766, 4805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
WM. TEMPLE EMMET,
Commissioners.

Complaint of the CITY OF COHOES by its mayor, and of
BRUNO E. AMYOT as treasurer of the Business Men's
Association and Board of Trade of Cohoes, and
vicinity, *against* NEW YORK TELEPHONE COMPANY
as to rates.

Complaint of the VILLAGE OF WATERFORD *against* NEW
YORK TELEPHONE COMPANY and AMERICAN TELE-
PHONE AND TELEGRAPH COMPANY as to rates.

Complaint of the CITY OF WATERVLIET by its mayor
and common council *against* NEW YORK TELEPHONE
COMPANY as to rates.

The above entitled proceedings having been consolidated and considered as
a single case; now, after hearings duly had and testimony taken and due con-
sideration given, upon the opinion of the Commission herein under even date
herewith, it is

Ordered: That the various complaints and each and every of them herein
be and the same hereby are dismissed.

[Case No. 4984]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF DARIEN, Genesee county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, ADAMS EXPRESS COMPANY, ERIE RAILROAD COMPANY, and WELLS FARGO AND COMPANY EXPRESS, asking that changes in the names of their respective stations in the town of Darien, Genesee county, be made.

This case comes to the Commission upon the complaint of various officials, residents, and shippers in the town of Darien, Genesee county, and of the adjoining town of Bennington, asking that the Commission direct certain changes to be made in the names of the stations in said town of Darien of the Erie Railroad Company, The Delaware, Lackawanna and Western Railroad Company, the Adams Express Company, and the Wells Fargo and Company Express; answers were filed by both railroad companies, but neither of the express companies made answer to the complaints herein; a hearing was duly held by the Commission in this case in the city of Buffalo on the 25th day of February, 1916, at which hearing there appeared Messrs. James C. Lathrop, Fred W. DeTemple, and Charles E. Perry, a committee of the petitioners; and Edward P. Reynolds, supervisor, and John W. Welke, E. J. Shirm, and C. V. Ortner, justices of the peace of the Town of Darien; and Ferdinand J. Bommer, attorney for the petitioners; Rev. M. A. Anstedd of Darien; Christian Haller, supervisor, and Joseph Drilling, town clerk of the Town of Bennington; Rogers, Locke and Babcock, by Evan Hollister, appeared as attorneys for the Lackawanna Railroad Company; M. B. Pierce, 50 Church street, New York city, appeared as attorney, with E. M. Kain, assistant freight agent, and E. J. Edmonds, train master, for the Erie Railroad Company; and such proofs and proceedings were thereupon taken and had whereby it satisfactorily appears to the Commission that both the Erie railroad and the Lackawanna railroad run through the town of Darien substantially parallel to one another and about two miles apart; that the Erie railroad has been operated through said town for upward of sixty years, and the Lackawanna railroad has likewise been operated through said town for more than twenty-five years; that both said railroads are main lines; that the Adams Express Company now operates over the said Lackawanna railroad and uses the same station in said town as said Lackawanna railroad uses; that the Wells Fargo and Company Express now operates over said Erie railroad and uses the same station in said town as said Erie railroad uses; that the name of said township is Darien; that within the said town is the unincorporated village of Darien Center, which is thus designated by the Postoffice Department of the United States; that the station of the Erie Railroad Company in said unincorporated village of Darien Center is designated and scheduled by said Erie Railroad Company and said Wells Fargo and Company Express as Darien; that the station of said Lackawanna railroad, which is about two miles from Darien Center, is designated and scheduled as Darien; while the Adams Express Company, using the same station, designates and schedules the same as Darien Center; that the various names used by the respondent railroad and express companies in said town is the cause of much confusion in the matter of freight and express shipments, and also as to passenger traffic; and the petitioners in this case ask that The Delaware, Lackawanna and

Western Railroad Company be required to change the name of its said station from "Darien" to "North Darien," and that the Erie Railroad Company be required to change the name of its said station from "Darien" to "Darien Center"; and that the express companies operating over said railroads respectively be required to change the names of their said stations on said railroads. At the close of the proof on said hearing an adjournment was taken in this case with the understanding that an effort should be made to procure the consent of the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company to the changes in the names of such stations as requested by the petitioners; since that time communications have been received by the Commission from the president of The Delaware, Lackawanna and Western Railroad Company and the counsel for the Erie Railroad Company, both announcing a willingness to make such changes in accordance with the request of the petitioners, which said communications are filed with the papers in this case. It is therefore

Ordered: 1. That the Erie Railroad Company be and it hereby is directed to change the name of its said station now known as "Darien" to "Darien Center"; that such change be made effective in all of the timetables, train schedules, station lists, tariffs, and other publications relating thereto as the same may be issued, reissued, or supplemented and published by said railroad company, within sixty days after the service of this order.

2. That The Delaware, Lackawanna and Western Railroad Company be and it hereby is directed to change the name of its said station now known as "Darien" to "North Darien"; that such change be made effective in all of the timetables, train schedules, station lists, tariffs, and other publications relating thereto as the same may be issued, reissued, or supplemented and published by said railroad company, within sixty days after the service of this order.

3. That the Adams Express Company be and it hereby is directed to change the name of its said station now known as "Darien Center" to "North Darien"; that such change be made effective in all of the schedules, tariffs, and other publications relating thereto which shall be issued and published by said express company, within sixty days after the service of this order.

4. That the Wells Fargo and Company Express be and it hereby is directed to change the name of its said station now known as "Darien" to "Darien Center"; that such change be made effective in all of the schedules, tariffs, and other publications which shall be issued and published by said express company, within sixty days after the service of this order.

5. That pursuant to the requirements of section 23 of the Public Service Commissions Law, the said respondents, Erie Railroad Company, The Delaware, Lackawanna and Western Railroad Company, Adams Express Company, and Wells Fargo and Company Express, be and each of them hereby is directed to notify the Commission in writing, on or before the 10th day of May, 1916, of the receipt of a certified copy of this order, and whether the terms thereof relating to said respondents respectively are accepted and will be obeyed.

[Case No. 5083]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the petition of the LONG BEACH GAS COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue capital stock, a mortgage, and mortgage bonds. Supplemental order.

Petition filed July 22, 1915; hearing held July 23, 1915; order entered August 4, 1915; certified copy of articles of incorporation filed September 1, 1915; report of gas engineer dated September 2, 1915; hearings held December 21 and 29, 1915; proposed form of mortgage filed December 4, 1915; amended petition filed January 13, 1916; hearing held March 31, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Beach Gas Company, Inc., is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the Empire Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of January, 1916, to secure an issue of first mortgage forty-year sinking fund gold coupon bonds, bearing interest at the rate of 5 per cent payable semiannually on the 1st day of July and January in each year, to the aggregate amount of \$5,000,000 face value, a copy of which indenture has been filed with this Commission herein, and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

2. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy of it in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

3. That the Long Beach Gas Company, Inc., is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$255,000 face value of its 5 per cent forty-year sinking fund gold coupon bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$255,000 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of \$204,000.

5. That the Long Beach Gas Company, Inc., is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$52,700 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$52,700.

6. That said securities of the total face and par value of \$307,700, or the proceeds thereof to the amount of \$256,700, shall be used solely and exclusively for the following purposes and in the following manner:

	<i>Bond proceeds</i>	<i>Stock proceeds</i>
A. For the purchase from the present owners of the property described in Schedule "A" attached to the petition herein	\$100,000.00	
B. (a) For the following new construction.....	80,000.00	\$30,630.00
10000 ft. 4" mains at \$1.08.....	\$10,600.00	
Engineering and superintendence.....	1,590.00	
To complete 200 services in lawns at \$20 each	4,000.00	
To complete 246 services not in lawns at \$15 each	3,690.00	
500 new services complete from main to customers' premises at \$25 each..	12,500.00	
500 meters of various types at an average of \$16.50 each	8,250.00	
500 meters installed complete, including necessary piping, at \$7 each...	3,500.00	
Furniture, fixtures, and office equipment in connection with new office building	5,000.00	
Garage equipment	5,000.00	
Tools	1,500.00	
Office building, garage, and necessary real estate	80,000.00	
	<u>\$85,630.00</u>	
(b) For working capital	25,000.00	
	<u>\$110,630.00</u>	
C. For payment of legal expenses, mortgage tax on bonds, printing and engraving of stocks and bonds, trustee's fees, and incorporation taxes.....		22,000.00
D. For developing of the business, including salaries and expenses of demonstrators, canvassers, advertising and soliciting, printed matter, and advisory experts	24,000.00	
Totals	<u>\$204,000.00</u>	<u>\$52,630.00</u>
		<u>\$256,630.00</u>
Excess		\$0.70

in so far as the same may be applicable, provided (1) that such stock and bonds or the proceeds thereof shall be applied on such new construction summarized in section (a) of subdivision B hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Uniform System of Accounts for Gas Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular officers and employees of the company or by such officers and employees who have been especially assigned to such construction work: no allowance is included herein, nor shall the proceeds herein authorized be expended for incidental services of the officers and employees of the petitioner, and provided that in no case shall the charges for engineering and superintendence and all other costs in addition to the actual labor and material costs exceed 15 per cent of the actual labor and material costs involved; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit and other prices contained in section (a) of subdivision B hereof are not intended to be and must not be construed by the petitioner as the present determination by this Commission of the actual cost of work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be hereafter proved and established to the satisfaction of this Commission by expenditures which

shall have been actually and properly made and subject to the provisions of the Commission's Uniform System of Accounts for Gas Corporations; (6) that such working capital as set forth in section (b) of subdivision B hereof shall not be disbursed by said company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business; (7) that of the expenditures for legal expenses for which proceeds of stock are herein allowed as set forth in subdivision C hereof, the costs incident to the drawing of mortgage and other matters relating to the issuance of bonds shall be charged to the account "Unamortized Debt Discount and Expense"; (8) that the expenditures made from the proceeds of bonds allowed for the purposes set forth in subdivision D hereof shall be charged to an account entitled "Development Expenditures, Suspense"; and that within three years from the date of this order the question as to the final disposition of this account shall be determined upon by this Commission after application shall have been made by the petitioner for such purpose.

7. That if the said securities of the total face and par value of \$307,700 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$256,700, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of the items contained in ordering clause No. 6 herein, shall be used for any purpose without the further order of this Commission.

8. That none of the said securities herein authorized shall be hypothecated or pledged as collateral by the Long Beach Gas Company, Inc., unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Long Beach Gas Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivision A, and (a) under subdivision B of ordering clause No. 6 herein, there shall be shown (1) in detail the amount expended for each of the purposes specified therein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts for Gas Corporations of the expenditures during such period; (f) with respect to (b) under subdivision B, and subdivisions C and D of ordering clause No. 6 herein, there shall be shown in detail the amount expended for each of the purposes specified therein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged. In reporting under sections (2) and (3) of subdivision (e) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the Long Beach Gas Company, Inc., shall charge to the prescribed fixed capital accounts under the Uniform System of Accounts for Gas Corpora-

tions the actual cost to it of the property herein authorized to be purchased in subdivision A of ordering clause No. 6, which cost shall be \$100,000; and that the company shall file within thirty days after the acquisition of such property a detailed verified report showing the allocation to such prescribed accounts of this total amount, which allocation shall be subject to the approval of this Commission.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to the purposes specified in subdivision D of ordering clause No. 6 herein, which are properly chargeable to a suspense account, the disposition of which is to be hereafter determined as set forth in subdivision 8 of said ordering clause.

[Case No. 5304]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SILVER CREEK ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to execute a mortgage for \$150,000, and to issue now \$30,800 in 5 per cent forty-year gold bonds to be secured by said mortgage.

Petition filed November 26, 1915; report of division of capitalization dated February 15, 1916; report of electrical engineer dated March 9, 1916; proposed form of mortgage filed March 14, 1916; final report of division of capitalization dated April 6, 1916, as amended April 24, 1916; company's answer to final report filed April 19, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding as amended April 24, 1916, which on April 25, 1916, was sent to the company, such entries being listed in schedule IV, pages 9 to 13 inclusive thereof, shall be entered upon the books of the Silver Creek Electric Company, and that within thirty days of the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the Silver Creek Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to The Fidelity Trust Company of Buffalo, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property to

secure an issue of first mortgage 40-year gold bonds bearing interest at the rate of 5 per cent per annum, to the aggregate amount of \$150,000 face value, a copy of which mortgage has been filed with this Commission herein, and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of it in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

4. That the Silver Creek Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$29,000 face value of its 5 per cent 40-year first mortgage gold bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$29,000 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of \$23,200.

6. That said bonds of the face value of \$29,000 so authorized, or the proceeds thereof to the amount of \$23,200, shall be used solely and exclusively for the following purposes:

(a) To refund an outstanding mortgage dated June 27, 1905, held by the First National Bank of Silver Creek, due December 19, 1915	\$2,000.00
(b) To discharge bills payable outstanding at December 31, 1915, or their renewals	10,800.00
(c) To discharge accounts payable outstanding at December 31, 1915	8,614.05
(d) For working capital	4,000.00
(e) For reorganization expenses	8,200.00
	<hr/>
	\$28,114.05

Excess	\$85.95
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in so far as the same may be applicable, provided (1) that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business; (2) that of the bond proceeds herein allowed for reorganization expenses as set forth in subdivision (e) hereof all charges for legal services in excess of \$1000 shall be charged to the account "Unamortized Debt Discount and Expense".

7. That if the said bonds of a total face value of \$29,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$28,114.05, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without an express order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Silver Creek Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Silver Creek Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were

sold or disposed of or proceeds thereof expended the report shall set forth such fact.

10. That the Silver Creek Electric Company shall each year charge "Other Contractual Deductions from Income" and credit "Unamortized Replacement Suspense" with an amount representing its net corporate income for each year until the latter account shall have been completely amortized.

11. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

12. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of proposed new passenger fares by various common carriers subject to the jurisdiction of this Commission.

It appearing that by order dated the 22nd day of December, 1915, this Commission entered upon a hearing concerning the propriety of the increases in certain new individual and joint fares and charges applying to the transportation of passengers between points within and subject to its jurisdiction, contained in tariffs described in said order of carriers or their duly authorized agents specifically named therein and which had been filed with this Commission to become effective January 1 and 10, 1916; it further appearing that pending such hearing and decision the Commission ordered that the operation of said tariffs be suspended, and that the use of said fares and charges be deferred upon traffic subject to the jurisdiction of this Commission until the 29th day of April, 1916, unless otherwise ordered by the Commission; it further appearing that such hearing can not be concluded within the period of suspension above stated, it is

Ordered: That the operation of said tariffs be and is hereby further suspended, and that the use of said fares and charges be and is hereby further deferred upon traffic subject to the jurisdiction of the Public Service Commission, Second District, until the 1st day of June, 1916, unless otherwise ordered by the Commission.

It is further Ordered: That a copy of this order shall be filed with each of said tariffs in the office of this Commission, and that copies hereof be forthwith served upon the respondents to this proceeding.

It is further Ordered: That upon receipt of this order by said carriers, respondents to this proceeding, such carriers or their duly authorized agents shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension, and stating that said tariff or tariffs are under suspension as to New York state traffic which is subject to the jurisdiction of the Public Service Commission, Second District, and may not be applied or charged until further notice, or until June 1, 1916. Such tariff amendments to also refer by P. S. C., 2 N. Y., number or numbers to the tariff or tariffs in which fares or charges effective during the period of further suspension may be found. The title-page of every such tariff amendment shall show issued date April 29, 1916, and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date April 25, 1916, in case No. 5345".

[Case No. 5363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the UNITED TRACTION COMPANY'S
proposed new passenger fares and charges, and regula-
tions and practices affecting such fares and charges.

It appearing that by order dated the 30th day of December, 1915, this Commission entered upon a hearing concerning the propriety of the new individual fares, charges, regulations, and practices stated in the schedules contained in passenger tariff filed with the Commission to become effective January 1, 1916, described as follows, to wit "United Traction Company, local tariff of passenger fares, P. S. C., 2 N. Y., No. 9"; it further appearing that pending such hearing and decision the Commission ordered that the operation of the tariff containing the schedules above specified be suspended, and that the use of the fares, charges, regulations, and practices therein stated be deferred until the 29th day of April, 1916, unless otherwise ordered by the Commission; it further appearing that such hearing can not be concluded within the period of suspension above stated, it is

Ordered: That the operation of said tariff be and is hereby further suspended, and that the use of said fares, charges, regulations, and practices be and is hereby further deferred until the 1st day of July, 1916, unless otherwise ordered by the Commission.

It is further Ordered: That a copy of this order shall be filed with said tariff in the office of this Commission, and that copy hereof be forthwith served upon respondent to this proceeding.

It is further Ordered: That upon receipt of this order by said respondent it shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff is under further suspension and that the schedules contained may not be applied or charged until further notice, or until July 1, 1916. Such tariff amendment shall also refer by proper P. S. C., 2 N. Y., number to the tariff in which the fares and charges and regulations and practices affecting the fares and charges during the period of suspension may be found. The title-page of

such tariff amendment shall show issued date April 29, 1916, and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date April 25, 1916, in case No. 5363".

[Case No. 5474]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and SALMON RIVER POWER COMPANY under section 70 of the Public Service Commissions Law for consent to sale to the last named company of the Lyons Power Plant and property, and for consent to the lease (after the sale) of said property from the last named company to the first named company; also under section 70 for consent to the first named company to acquire capital stock of the last named company; also, singly, by the Salmon River Power Company under section 69 of the Public Service Commissions Law for authority to issue common capital stock, mortgage bonds, and notes.

Petition filed March 14, 1916; report of electrical engineer dated April 13, 1916; supplemental petition filed April 15, 1916; hearing held April 20, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Salmon River Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$987,500 face value of its 5 per cent forty-year first mortgage gold bonds under a certain indenture dated October 5, 1912, given to the Columbia-Knickerbocker Trust Company (now the Columbia Trust Company) as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That the Salmon River Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$195,600 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$195,600.

3. That the Salmon River Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$62,300 face value of its two-year 6 per cent unsecured notes, which shall be sold at a price not less than the face value thereof, to give net proceeds of \$62,300.

4. That said bonds of the total face value of \$987,500 shall be sold for not less than 85 per cent of their face value and accrued interest, to give net proceeds of \$839,375.

5. That said securities of the total par and face value of \$1,245,400 so authorized, or the proceeds thereof to the amount of \$1,097,275, shall be used solely and exclusively for the following purposes:

- (a) For the purchase from the Niagara, Lockport and Ontario Power Company of all its right, title, and interest in the Lyons Power Plant and property as set forth in agreement dated November 11, 1912, between that company and the Rochester, Syracuse and

Eastern Railroad Company et al., a copy of which agreement is attached to the original petition herein as exhibit A, including certain additions, improvements, and betterments to said plant and property made by the Niagara, Lockport and Ontario Power Company, less depreciation of \$13,731.08 recognized by said company as described in exhibit B attached to the original petition		\$159,907.47
Less additional depreciation to April 1, 1916.....		42,000.00
		<hr/>
		\$117,907.47
(b) To pay to the successors of the Rochester, Syracuse and Eastern Railroad Company the balance which still remains unpaid on account of purchase price of the aforesaid property.....		495,000.00
		<hr/>
		\$612,907.47
(c) For further additions to said Lyons Power Plant and property in connection with the installation of a 10,000-kw. turbo-generator with boilers and other necessary accessories as detailed in exhibit C of the original petition herein, as follows:		
1. Buildings for housing turbo-generator.....	\$64,460.00	
2. Cost installed of 10,000-kw. steam turbine.....	90,200.00	
3. Cost installed of 12,500-k.v.a. generator.....	55,000.00	
4. Electrical equipment incidental to installation of turbo-generator	30,415.00	
5. Boilers and accessories	187,495.00	
6. Miscellaneous equipment	12,864.00	
7. Installation of two mechanical stokers for 2 360-hp. Heine boilers	3,500.00	
8. Engineering and superintendence	26,426.00	
9. Interest during construction	9,000.00	
10. Law expenditures	5,000.00	
		<hr/>
		484,860.00
		<hr/>
		\$1,097,267.47
		<hr/>
Excess		\$7.53

in so far as the same may be applicable, provided (1) that said securities or their proceeds shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for such purpose a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company or by such officers and employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in exhibit C of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

6. That if the said securities of the total par and face value of \$1,245,400 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,097,275, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said bonds or notes herein authorized shall be hypothecated or pledged as collateral by the Salmon River Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Salmon River Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivisions (a) and (b) inclusive of ordering clause No. 5 herein, there shall be shown the amount expended in reasonable detail of the proceeds for the purposes specified therein during such period and stating to what account or accounts such expenditures have been charged; (f) with respect to subdivision (c) of ordering clause No. 5 herein shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for such purposes during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds thereof accounted for in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the Salmon River Power Company shall charge to the prescribed fixed capital accounts under the Uniform System of Accounts for Electrical Corporations the actual cost to it of the Lyons plant and property herein authorized to be purchased, which cost shall be its depreciated value of \$612,907.47, and that the company shall file within thirty days after the acquisition of such property a detailed verified report showing the allocation to such prescribed accounts of this total amount, which allocation shall be subject to the approval of this Commission.

10. That pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given that the Niagara, Lockport and Ontario Power Company may transfer all its right, title, and interest in the Lyons Power Plant and property as described in a certain contract attached to the petition herein as exhibit A, to the Salmon River Power Company; and the Salmon River Power Company is hereby authorized to acquire such right, title, and interest in the Lyons Power Plant and property as described in said contract, and that the form of such contract is hereby approved.

11. That the Niagara, Lockport and Ontario Power Company is hereby authorized, pursuant to the provisions of section 70 of the Public Service Commissions Law, to acquire 1956 shares each of \$100 par value, aggregating a total par value of \$195,600, of the common capital stock of the Salmon River Power Company herein authorized to be issued.

12. That the permission and approval of this Commission be and the same are hereby given to the Niagara, Lockport and Ontario Power Company to guarantee the punctual payment of the principal and interest of the entire amount of first mortgage bonds of the Salmon River Power Company herein authorized, and this Commission hereby ratifies and approves the guaranty by said Niagara, Lockport and Ontario Power Company of the punctual payment of the principal and interest on the bonds of the Salmon River Power Company and its predecessor, the Oswego County Light and Power Company, heretofore issued, pursuant to the authority of this Commission as set forth in the following order: Case No. 800: Order dated May 27, 1909, authorized

the Oswego County Light and Power Company to issue \$2,353,000 face value of its 5 per cent fifty-year mortgage coupon bonds; Case No. 3393: Order dated January 29, 1913, authorized the Salmon River Power Company to issue \$882,000 face value of its 5 per cent forty-year first mortgage gold bonds; Case No. 4387: Order dated July 29, 1914, as amended on January 20, 1916, authorized the Salmon River Power Company to issue \$110,000 5 per cent forty-year first mortgage gold bonds.

13. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said companies shall file with this Commission satisfactory, verified stipulations duly authorized by their boards of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5483]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of PLATTSBURGH GAS AND ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for authority to construct extensions of its electric lines in the town of Plattsburgh, Clinton county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

This is an application by the Plattsburgh Gas and Electric Company for permission to exercise a franchise granted to it by the Town of Plattsburgh, Clinton county, New York, on May 12, 1914. Proof of publication of notice of this application to the Commission was duly filed with it on April 3, 1916. The petitioner operates an electric plant at Indian Rapids, in the town of Plattsburgh, and is supplying some electricity in the hamlet of Morrisonville in said town. It has never made formal application to the Commission for permission to exercise the aforesaid franchise but now seeks to obtain such permission in order that it may extend its lines in said town and supply electricity at other points therein where the same is required. A hearing was held on this application at the office of the Commission in the city of Albany on April 21, 1916, at which time the petitioner was represented by its president, George M. Cole; and J. W. Holler appeared on behalf of the State Highway Commission. No one appeared in opposition to the application. It having been determined by the Commission after due deliberation that the exercise of such franchise is necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given *nunc pro tunc* to the Plattsburgh Gas and Electric Company to construct, maintain, and operate an electric plant,

together with transmission and distribution lines, in the town of Plattsburgh, Clinton county, New York, and to exercise all the rights and privileges set forth in the franchise granted to it by the authorities of said town on May 12, 1914.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5510]

At a stated meeting of the Public Service Commission for the Second District, duly held at its office in the city of Albany, State of New York, on the 25th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the hearing before both Commissions as to the regulations, practices, and service of THE LONG ISLAND RAILROAD COMPANY with respect to train crews on all trains operated by electricity as a motive power in the transportation of passengers.

Case No. 2016,
joint order.

A hearing having been duly had by and before both Commissions in the above entitled matter on November 11 and November 26, 1915; and the Commissions having determined after the proceedings on said hearing that certain regulations and practices of The Long Island Railroad Company upon the various lines of railroad operated by said company with electricity as a motive power in respect to the transportation of passengers within the State are unsafe, improper, and inadequate, and that changes in such regulations and practices in the particulars following ought reasonably to be made in order that the service of said company shall be safe, proper, and adequate; and the Commissions having determined after the proceedings on said hearing that all cars used and operated by said company with electricity as a motive power on said lines of railroad in the transportation of passengers within the State should be equipped as hereinafter provided, in order to promote the security and convenience of the public and in order to secure adequate service and facilities for the transportation of passengers; and it appearing to both Commissions that in respect of the above mentioned subject matter separate jurisdiction has not been conferred and that the determination herein should be by joint order,

Ordered: 1. That all cars now or hereafter used and operated by The Long Island Railroad Company upon said lines of railroad in the transportation of passengers within the State and operated by electricity as a motive power shall be equipped with platform gates of proper design, or said cars shall be equipped with vestibule doors.

2. That all cars now or hereafter used and operated by said company upon said lines of railroad in the transportation of passengers within the State and operated by electricity as a motive power and equipped with platforms with steps for the convenient ingress and egress of passengers shall, in addition to being equipped with gates or vestibule doors at the outer edges of their platforms, be also equipped with trap-doors which when lowered or let down shall be on a level with the platforms, and shall be so arranged as to cover the openings over the steps between the edges of the platforms and the gates or vestibule doors, which trap-doors shall be of the most improved design.

3. That on all such cars no platform gates or vestibule doors shall be opened or trap-doors raised (where it is necessary to raise them) until the train shall have been brought to a stop; and on all such cars all platform gates or vestibule doors shall be closed and all trap-doors lowered (if trap-doors have been raised) before the signal is given for the train to start; and on all such cars all platform gates or vestibule doors shall be kept closed and all trap-doors lowered at all times while trains are in motion; and said company shall make and enforce a rule to that effect.

4. That on no such car shall any gate or vestibule door or trap-door be opened by any person other than an employee of said company duly authorized to open the same; and said company shall make and enforce a rule to that effect.

5. That in each such car equipped with vestibule doors a notice substantially in the following form shall be posted and conspicuously fastened up on or before June 1, 1916: "Notice: All vestibule doors and trap-doors on this train must be closed before the train starts and kept closed while the train is in motion. No such door shall be opened till the train shall have come to a full stop. Passengers are forbidden to open vestibule doors or trap-doors of cars. Trainmen must obey and enforce this rule. By order of Public Service Commissions."

6. That in each such car equipped with platform gates instead of vestibule doors a notice substantially in the following form shall be posted and conspicuously fastened up on or before June 1, 1916: "Notice: All gates and trap-doors on this train must be closed before the train starts and kept closed while the train is in motion. No such gate or door shall be opened till the train shall have come to a full stop. Passengers are forbidden to open gates or trap-doors of cars. Trainmen must obey and enforce this rule. By order of Public Service Commissions."

7. That this order shall take effect immediately, and shall continue in force until changed or abrogated by further order of the Commissions.

8. That on or before May 10, 1916, said The Long Island Railroad Company shall notify the Commissions in writing whether the terms of this order are accepted and will be obeyed.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MT. VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined under section 62 (now section 91) of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MT. VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912: the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad (lessor) extending from Broad street, city of Mt. Vernon, to Mt. Vernon avenue, city of Yonkers.

There having been submitted to this Commission for its approval a form of contract proposed to be executed between the City of Mt. Vernon, the City of Yonkers, and the Bronx Parkway Commission, parties of the first part, and Phillips and Worthington of 90 West street, New York, parties of the second part, covering the making of the necessary borings and explorations as to foundation conditions along the line of the structure to be erected at Broad street, Mount Vernon, over the tracks of the New York and Harlem railroad, under an order of the Commission herein dated December 16, 1915,

Ordered: That the proposed contract is approved by this Commission, such approval nevertheless to be further attested by signature of either the Chairman or the Secretary of the Commission in identification of the contract which hereafter may be executed by and between the parties, as in form the same as that herewith submitted. This order is not intended and shall not be construed to bind the State of New York to any financial obligation greater than or different from that which is expressly set forth and provided in the aforesaid order of the Commission of 16th December, 1915.

[Case No. 2072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

In the above entitled matter the Village of Ossining having acquired certain parcels of land, the entire areas of which were however not required or necessary for the purposes of the grade crossing elimination work, such action by the village having been necessary in the interests of the financially responsible parties to this proceeding; and the Village of Ossining by its corporation counsel now having asked the approval of this Commission to the public sale of the excess lands, the amount realized from such sale to be credited to the elimination account; The New York Central Railroad Company by its general land and tax agent having assented to such action, it is

Ordered: That this Commission hereby approves the proposal to sell such excess lands now owned by the village and which are not necessary or required to carry out the Commission's determination herein, at public sale, the proceeds of such sale to be credited to the elimination account.

[Case No. 2690]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the MOHAWK GAS COMPANY OF SCHENECTADY for permission to issue \$789,500 of common capital stock, pursuant to the provisions of section 69 of the Public Service Commissions Law.

First
supplemental
order.

Petition filed December 30, 1911; report of gas engineer dated April 24, 1912; order entered April 30, 1912; amendatory order entered May 9, 1912; details of additions to property accounts from January 1, 1903, to December 31, 1912, filed July 6, 1914; supplemental petition filed October 6, 1914; second amendatory order entered October 14, 1914; report of division of capitalization dated May 20, 1915; report of gas engineer dated July 19, 1915; final report of division of capitalization dated August 3, 1915; comparative balance sheets as of January 1, 1903, and December 31, 1912, filed December 17, 1915; company's comments on final report of division of capitalization filed January 29, 1916; memorandum of division of capitalization dated March 28, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated August 3, 1915, which on August 4, 1915, was sent to the corporation, such entries being listed in appendix D, pages 18 to 21 inclusive thereof, as modified in accordance with a memorandum of the division of capitalization dated March 28, 1916, shall be entered upon the books of the Mohawk Gas Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the Mohawk Gas Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$870,300 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

3. That said stock of the par value of \$870,300 so authorized, or the proceeds thereof to the amount of \$870,300, shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations outstanding December 31, 1912, as shown on the balance sheet, page 9, of the final report dated August 3, 1915, of the division of capitalization of the Commission, or their renewals —

1. Bills payable	\$591,905.50
2. Accounts payable	21,102.52

\$613,008.02

Less amount due from Schenectady Illuminating Company 105,051.08

\$507,956.99

(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from January 1, 1903, to December 31, 1912, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation

862,867.15

\$870,324.14

Amount unprovided for \$24.14

4. That the Mohawk Gas Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for each of the purposes specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof used the report shall set forth such fact.

5. That the fixed capital accounts of the Mohawk Gas Company as corrected by the journal entries which the petitioner has been herein directed to make having been carefully checked and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Gas Corporations covering expenditures for fixed capital installed since December 31, 1908.

6. That the Uniform System of Accounts for Gas Corporations is hereby amended in its application to the accounts of the Mohawk Gas Company in so far as is necessary so that all the charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

7. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory stipulation duly authorized by its board of directors and verified accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

8. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 2691]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the SCHENECTADY
ILLUMINATING COMPANY for permission to issue
\$2,447,200 of capital stock, pursuant to the provisions
of section 69 of the Public Service Commissions Law.

First
supplemental
order.

Petition filed December 30, 1911; supplemental petition filed April 19, 1913; affidavit of A. W. Burchard, vice-president of the General Electric Company, as to issue of \$2,000,000 note of petitioner filed April 19, 1913; order entered April 28, 1913; superseding order entered May 13, 1913; details of additions to property accounts (two volumes) from August 1, 1904, to December 31, 1912, filed July 6, 1914; report of division of capitalization dated May 19, 1915; second supplemental petition filed August 13, 1915; report of electrical engineer dated October 2, 1915; final report of division of capitalization dated November 22, 1915; statement of bills and accounts payable to be funded filed December 16, 1915; company's comments on final report of division of capitalization filed January 29, 1916 (in case No. 2690); memorandum of division of capitalization dated March 28, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated November 22, 1915, which on the same date was sent to the corporation, such entries being listed in appendix D, pages 23 to 28 inclusive thereof, as modified in accordance with a memorandum of the division of capitalization dated March 28, 1916, shall be entered upon the books of the Schenectady Illuminating Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the company's plan for amortizing the amount of \$1,462,113.43, which will appear on its books and be charged to "Fixed Capital, Other Intangible Electric Capital," after the above described journal entries have been made, at the rate of \$50,000 a year until the balance in said account is reduced to \$731,056.72, is accepted and approved; and the company is hereby ordered to amortize said amount of \$1,462,113.43 at the rate of \$50,000 per year by charges to the prescribed account "Other Contractual Deductions from Income" until the balance in the said account is reduced to \$731,056.72; provided, nevertheless, that this order shall be construed only as a determination of acceptance and approval of the company's plan of amortization to the amount and for the period therein defined; and further provided that this order is not intended and shall not be construed as a present determination by this Commission that the amount of \$1,462,113.43, which under the determination herein will be charged on the books of the company to "Fixed Capital, Other Intangible Electric Capital," is the balance of such account which should be now properly carried by the company, or as a present determination that the balance of \$731,056.72, which will remain after the company's proposed plan for amortizing one-half of said first mentioned sum shall have been consummated, shall be deemed as the balance of said account which shall thereafter be properly carried as such by said company.

3. That the Schenectady Illuminating Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$886,700 par value of its common capital stock, which shall be sold at a price not less than the par value thereof.

4. That said stock of the par value of \$886,700 so authorized, or the proceeds thereof to the amount of \$886,700, shall be used solely and exclusively for the following purposes:

(a) For the discharge of bills payable outstanding at December 31, 1912, as shown on balance sheet, page 10, of the final report dated November 22, 1915, of the division of capitalization of the Commission, or their renewals		\$2,270,000.00	
Less amount paid by proceeds of \$2,000,000 common capital stock authorized herein by order dated May 18, 1913.....		2,000,000.00	\$270,000.00
<hr/>			
(b) For the discharge of the following current liabilities outstanding at December 31, 1912, as shown on balance sheet, page 10, of final report dated November 22, 1915, of the division of capitalization of the Commission, or their renewals:			
Accounts payable		\$195,304.34	
Interest accrued		100,537.50	
			295,842.04
<hr/>			
(c) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from August 1, 1904, to December 31, 1912, not obtained from the issue of stocks, bonds, notes, or other evidences of indebtedness of such corporation			320,896.45
			<hr/>
			\$886,788.49
			<hr/>
Amount unprovided for.....			\$88.49

5. That the Schenectady Illuminating Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivisions (a) to (c) inclusive of ordering clause No. 4 herein there shall be shown the amount expended in reasonable detail of the proceeds for the purposes specified therein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof used the report shall set forth such fact.

6. That the fixed capital accounts of the Schenectady Illuminating Company as corrected by the journal entries which the petitioner has been herein directed to make having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

7. That the Uniform System of Accounts for Electrical Corporations is hereby amended in its application to the accounts of the Schenectady Illuminating Company in so far as is necessary so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory stipulation duly authorized by its board of directors and verified accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

9. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 2776]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application under section 91 of the Railroad Law by the PRESIDENT AND TRUSTEES OF THE VILLAGE OF WALDEN asking for the elimination of a grade crossing of the Wallkill Valley railroad by a highway known as Orange avenue, the crossing being locally known as Embler's, in the village of Walden.

This case has been closed upon the records of the Commission and the State's portion of the cost of the completed work, viz. \$5830.08, paid. The Village of Walden now makes complaint as to failure of the wood block

pavement upon the bridge over the railroad, said bridge being part of the work performed under the Commission's determination of May 13, 1912, and modified determination dated January 29, 1913, herein, and asks that the pavement be repaired. An investigation by the engineer of this Commission having shown that such pavement failure was due to a defect either of construction or material, and the railroad and municipal corporations having by their representatives, respectively the chief engineer and the village engineer, agreed, provided the State's approval can be secured, that said pavement shall be re-laid, the cost thereof to be apportioned between the State, the Railroad company, and the Village, in the same manner that the original cost of construction was apportioned; and the Commission at a meeting held on April 25, 1916, having recommended such disposition of the matter as herein proposed by the railroad corporation and the village, it is

Ordered: 1. That the case be reopened upon the records of the Commission.

2. That the village engineer be and he is hereby authorized to employ such labor and to purchase such material as may be necessary and required to remove the existing wood block pavement and re-lay the same in a manner satisfactory to him and the authorities of the village. The village engineer having by letter dated April 11, 1916, agreed to perform the work of re-laying said pavement, all expenses thereof included, for a sum not in excess of \$300 therefor,

Further Ordered: That the share of the railroad corporation of the cost of the work herein provided for shall not exceed the sum of \$150, and the share of the State of New York the sum of \$75, and that any and all costs of whatever nature incurred by the village in excess of \$300 shall be charged to and be payable and paid by the said Village of Walden.

[Case No. 3424]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for authority under section 55 of the Public Service Commissions Law to issue a portion of its first mortgage 4 per cent 50-year gold bonds.

Second
amendatory
order.

Petition filed January 7, 1913; report of division of capitalization for transportation engineer dated January 8, 1914; first supplemental petition filed April 7, 1914; report of transportation engineer dated April 13, 1914; preliminary report of division of capitalization dated April 14, 1914; order entered April 21, 1914; memorandum of division of capitalization dated December 12, 1914; second supplemental petition filed December 21, 1914; hearing held December 21, 1914; first amendatory order entered December 22, 1914; final report of division of capitalization dated February 27, 1915; third supplemental petition filed January 7, 1916. By order dated April 21, 1914, the Central New England Railway Company was authorized to issue and sell at not less than 83.5 per cent of the face value thereof \$3,000,000 face value of its 4 per cent 50-year first mortgage gold bonds, and to use the proceeds among other things for certain new construction as detailed in exhibit B attached to its supplemental petition filed on April 7, 1914. By supplemental petition herein filed January 7, 1916, the company states that

the jobs as detailed in the aforesaid exhibit for which securities were heretofore authorized herein have actually cost in some instances more and others less than the amounts shown in such exhibit, and prays for authority to substitute for such exhibit B the statement attached to its last petition herein filed on January 7, 1916. It appears that the prayer of this petition is reasonable and proper. Now therefore, upon the foregoing record,

Ordered: That subdivision (c) of ordering clause No. 3 of the order entered herein the 21st day of April, 1914, is hereby modified and amended by the substitution therefor of the following: "(c) For construction to October 31, 1915, as set forth in an exhibit attached to supplemental petition herein filed January 7, 1916, \$769,097.33."

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the UNION SPRINGS LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$25,000 6 per cent bonds.

Petition filed September 4, 1915; report of electrical engineer dated October 15, 1915; revised form of mortgage filed April 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Union Springs Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to the Syracuse Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 27th day of March, 1916, to secure an issue of first mortgage thirty-year gold bonds, bearing interest at the rate of 6 per cent per annum payable semiannually on the 1st day of July and January in each year, to the aggregate amount of \$50,000 face value, a copy of which indenture has been filed with this Commission herein, and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of it in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

3. That the Union Springs Light and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$25,000 face value of its 6 per cent thirty-year first mortgage bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$25,000 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$25,000.

5. That said bonds of the face value of \$25,000 so authorized, or the proceeds thereof to the amount of \$25,000, shall be used solely and exclusively for the following purposes:

(a) To discharge a mortgage indebtedness of the face value of....	\$12,000.00
(b) New construction detailed in petition as follows:	
1 100-hp. engine	\$1,000.00
1 100-hp. boiler	1,000.00
1 100-kw. generator	1,500.00
Meters, motors, and miscellaneous equipment.....	1,500.00
Wire, poles, and labor.....	5,000.00
	<hr/>
	10,000.00
(c) Working capital,	3,000.00
	<hr/>
	\$25,000.00

in so far as the same may be applicable. (1) That such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

6. That if the said bonds of a total face value of \$25,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$25,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without an express order of this Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Union Springs Light and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Union Springs Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivision (a) of ordering clause No. 5 herein there shall be shown the amount expended in reasonable detail of the proceeds for the purpose specified therein during such period and stating to what account or accounts such expenditures have been charged; (f) with respect to subdivision (b) of ordering clause No. 5 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of said purposes during the period

covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (2) and (3) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds thereof accounted for in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5386]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the OTSEGO AND HERKIMER RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue \$250,000 5 per cent 50-year first mortgage bonds and \$100,000 common capital stock.

Final
order.

Petition filed January 17, 1916; details of fixed capital expenditures from January 1, 1913, to November 30, 1915 (bound separately), filed January 17, 1916; report of division of capitalization dated March 9, 1916; order entered March 28, 1916; report division of steam railroads dated March 28, 1916; final report division of capitalization dated April 20, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated April 20, 1916, which on that date was sent to the corporation, such entries being listed on pages 8 to 12 inclusive thereof, shall be entered upon the books of the Otsego and Herkimer Railroad Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the Otsego and Herkimer Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$75,500 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$75,500.

3. That said stock of the par value of \$75,500 so authorized, or the proceeds thereof to the amount of \$75,500, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the calendar years 1911 to 1915 inclusive, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	\$28,508.28
(b) Discharge of indebtedness of petitioner amounting to \$247,065.22 outstanding at November 30, 1915, or the renewal thereof, for which bond proceeds heretofore authorized herein by order dated March 28, 1916, were insufficient by.....	47,065.22
	<hr/>
	\$75,568.50
Amount unprovided for.....	<hr/>
	\$68.50

4. That if the said stock of a total par value of \$75,500 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$75,568.50, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That the Otsego and Herkimer Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

6. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

7. That the authority in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5439]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of BOQUET ELECTRIC
POWER COMPANY of Willsboro, Essex county, under
section 69 of the Public Service Commissions Law
for authority to issue \$10,000 preferred capital stock.

Petition filed February 21, 1916; certificate of increase of capital stock
filed March 15, 1916; amendatory petition filed March 16, 1916; report of
division of capitalization dated April 24, 1916. Now therefore, upon the
foregoing record,

Ordered as follows: 1. That the Boquet Electric Power Company is hereby
authorized, pursuant to the provisions of section 69 of the Public Service
Commissions Law, to issue \$10,000 par value of its preferred capital stock
which shall be sold at a price not less than the par value thereof, to give net
proceeds of \$10,000.

2. That said stock of the par value of \$10,000 so authorized, or the pro-
ceeds thereof to the amount of \$10,000, shall be used solely and exclusively
for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from December 31, 1910, to December 31, 1915, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation....		\$4,661.27
(b) For additions and improvements to be made to the plant and property of the petitioner, as follows:		
1 160-hp. horizontal water-wheel and connections.	\$1,000.00	
500 running feet 36" and 40" conductor pipe.....	2,000.00	
1 3-phase, 60-cycle, 2300-volt generator, installed..	1,500.00	
1 switchboard and equipment for synchronizing, together with wattmeter, installed.....	600.00	
Contingencies	238.73	
		<hr/>
		5,388.73
		<hr/>
		\$10,000.00

in so far as the same may be applicable, provided (1) that such stock or the
proceeds thereof shall be applied on such new construction summarized in
subdivision (b) hereof only in so far as the same is a real increase in the
fixed capital of the petitioner and not a replacement of any part of such
fixed capital or substitution for wasted capital or other loss properly charge-
able to income in accordance with the definitions contained in the Uniform
System of Accounts for Electrical Corporations adopted by this Commission;
(2) that there shall not be expended for any of such purposes a sum in
excess of the amount set opposite such purpose; (3) that there shall be no
charges to fixed capital on account of services or engineering in connection
with such construction except in so far as the same shall not be performed
by the regular employees and officers of the company or by such officers and
employees who have been especially assigned to such construction work;
(4) that if there shall be required for any of the aforesaid purposes subject
to the limitations herein contained a sum less than the amount set opposite
thereto, no portion of said amount over the actual cost thereof so required
shall be used for any purpose without the further order of this Commission.

3. That if the said stock of a total par value of \$10,000 herein authorized
shall be sold at such price as will enable the company to realize net proceeds

of more than \$10,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

4. That the Boquet Electric Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days after the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivision (a) of ordering clause No. 2 herein there shall be shown the amount expended of the proceeds for the purpose therein specified during such period and stating to what account or accounts under the Uniform System of Accounts the expenditures for such purpose have been charged; (f) with respect to subdivision (b) of ordering clause No. 2 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized and to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purpose have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for such purpose during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the Boquet Electric Power Company shall adjust its books and accounts as of December 31, 1915, by the entries contained on page 9 of the report of the division of capitalization of this Commission dated April 24, 1916, so that the balance sheet taken therefrom as of December 31, 1915, shall be in accordance with the balance sheet shown on page 3 of that report, as follows:

<i>Assets Side:</i>	
Fixed capital	\$29,747.99
Cash	180.66
Accounts receivable	395.66
Materials and supplies	300.00
Total assets side	\$30,624.81
<i>Liabilities Side:</i>	
Capital stock	\$19,950.00
Funded debt	4,000.00
Accounts payable	395.66
Reserve for accrued amortization	1,445.00
Surplus	4,833.65
Total liabilities side	\$30,624.81

and within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

6. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 5 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 5 of this order shall have been made, reported to, and approved as sufficient by this Commission.

7. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good

faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5460]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of SILVER CREEK ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Hanover, Chautauqua county, an electric plant, including poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the town board and superintendent of highways.

The petitioner, Silver Creek Electric Company, filed its petition in this proceeding on the 8th day of March, 1916, for permission to construct in the town of Hanover, Chautauqua county, an electric plant, consisting of poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, and power; and for the approval of the exercise of a franchise therefor received from the town board and superintendent of highways of said town; and thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reasons why said petition should not be granted to file the same with the Secretary of the Commission on or before the 24th day of March, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 21st day of April, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals of Buffalo, appeared on behalf of the petitioner; and Mr. T. J. Schoenlaub, resident engineer of the State Commission of Highways, having also appeared; and no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of constructing its electric distribution plant in accordance with the said franchise therefor dated February 7, 1916, and granted by the town board and superintendent of highways of the said Town of Hanover, and to construct, maintain, and operate all necessary poles, wires, conduits, and appurtenances in, through, upon, under, and across all of the streets, alleys, highways, and public ways of said town of Hanover for the purpose of using, distributing, and furnishing electricity for light, heat, and power to said town and the inhabitants thereof; and the said franchise having been presented to and filed with the Commis-

sion at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval are hereby given to the Silver Creek Electric Company to construct, maintain, and operate the said electric plant, and all necessary wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the said town of Hanover for the purpose of using, transmitting, and furnishing electricity for light, heat, and power to the said town of Hanover and the inhabitants thereof, as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Silver Creek Electric Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and superintendent of highways of the Town of Hanover, Chautauqua county, on the 7th day of February, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, towers, wires, cables, conduits, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5462]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SILVER CREEK ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the village of Forestville, Chautauqua county, an electric plant, including poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the president and trustees of said village.

The petitioner, Silver Creek Electric Company, filed its petition in this proceeding on the 6th day of March, 1916, for permission to construct in the village of Forestville, Chautauqua county, an electric plant, consisting of poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, and power; and for the approval of the exercise of a franchise therefor received from the president and trustees of said village; and thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 24th day of March, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 21st day of April, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals of Buffalo, appeared on behalf

of the petitioner; and no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation, and is desirous of constructing its electric distribution plant in accordance with the said franchise therefor dated February 16, 1916, and granted by the president and board of trustees of said Village of Forestville, and to construct, maintain, and operate all necessary poles, wires, conduits, and appurtenances in, through, upon, under, and across all of the streets, alleys, highways, and public ways of said village of Forestville for the purpose of using, distributing, and furnishing electricity for light, heat, and power to said village and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval are hereby given to Silver Creek Electric Company to construct, maintain, and operate the said electric plant, and all necessary wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the said village of Forestville for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said village of Forestville and the inhabitants thereof, as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Silver Creek Electric Company to exercise all the rights and privileges conferred by the said franchise so granted by the said president and board of trustees of the Village of Forestville, Chautauqua county, on the said 16th day of February, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, towers, wires, cables, conduits, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5464]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CHASM POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage for \$75,000, and to issue an equal amount of 5 per cent bonds to be secured by the mortgage.

Petition filed March 7, 1916; supplemental petition filed March 16, 1916; proposed form of mortgage filed April 17, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Chasm Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to execute and deliver to Frank P. Kennedy, cashier of the First National Bank of Chateaugay, N. Y., a certain indenture, deed of trust, or

mortgage upon all its plant and property, dated the 15th day of April, 1916, to secure an issue of first mortgage gold bonds, bearing interest at the rate of 5 per cent per annum payable semiannually on the 15th day of April and October in each year, to the aggregate amount of \$75,000 face value, a copy of which mortgage has been filed with this Commission herein, and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of it in the form in which it was annexed and filed, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and filed is the same as that herein approved by this Commission.

3. That the Chasm Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$47,000 face value of its 5 per cent first mortgage bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$47,000 shall be sold for not less than their face value and accrued interest, to give net proceeds of \$47,000.

5. That said bonds of the face value of \$47,000 so authorized, or the proceeds thereof to the amount of \$47,000, shall be used solely and exclusively for the following purposes:

(a) To refund outstanding first mortgage bonds due January 15, 1915	\$8,000.00
(b) To refund outstanding second mortgage bonds due April 15, 1916	14,500.00
(c) For the discharge of the following bills payable outstanding at December 31, 1915, or their renewals:	
Humphrey Bros., demand	4,000.00
Philip Ryan, due May 15, 1916	1,000.00
Catherine Ryan, due March 28, 1916	1,000.00
Mrs. P. H. Ryan, due March 28, 1916	500.00
Presbyterian Church Society, due October 10, 1916	2,000.00
Mrs. Jefferson Roberts, due December 9, 1916	1,200.00
Mrs. Clarissa Chapman, due January 19, 1917	550.00
First National Bank of Chateaugay, demand	8,000.00
(d) To discharge indebtedness outstanding December 31, 1915, incurred on account of the purchase of materials and supplies..	1,043.79
(e) For new construction as set forth in the supplemental petition filed March 16, 1916	5,000.00
	<hr/>
	\$46,798.79

Excess proceeds authorized..... \$206.21

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (e) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company.

6. That if the said bonds of a total face value of \$47,000 shall be sold at such price as will enable the company to realize net proceeds of more than \$47,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without an express order of this Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Chasm Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Chasm Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivisions (a) to (d) inclusive of ordering clause No. 5 herein there shall be shown the amount expended in reasonable detail of the proceeds for the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged; (f) with respect to subdivision (e) of ordering clause No. 5 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purpose have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for such purpose during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds thereof accounted for in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5480]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ARTHUR L. KIFF under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Corning, it being proposed that the route shall also be operated between Corning and Keuka Landing.

Arthur L. Kiff asks for a certificate of convenience and necessity for the operation of an auto bus route over certain streets in the city of Corning as a part of a route extending to Keuka Landing on Keuka lake. The consent of the municipal authorities of the City of Corning was granted March 15,

1916, subject to the terms and conditions of the application made by the petitioner for such consent. As a part of such terms and conditions the applicant stated that no passengers would be accepted for points within the city of Corning, or for points east of Savona traveling west from the city of Corning, or for points west of the city of Corning traveling east from the village of Savona. A public hearing was held in Elmira April 14, 1916, at which there was no appearance opposed to the application. It appeared that under the conditions stated there would be no competition with any other common carrier within the city of Corning. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Arthur L. Kiff of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Corning, a copy whereof is attached to the petition herein, starting on Pine street in said city, thence west on Market street to Bridge street, north on Bridge street to Pultney street, and west on Pultney street to the city line, to be operated only as a part of a line from said city of Corning to Keuka Landing, but not to carry passengers locally from one point to another point within said city of Corning, nor for point east of Savona traveling west from the city of Corning, nor for points west of the city of Corning traveling east from the village of Savona. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Corning and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5494]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the COMMON COUNCIL OF THE CITY OF LOCKPORT; and in the matter of the Complaint of RESIDENTS OF THE TONAWANDAS, LOCKPORT, AND OTHER PLACES *against* INTERNATIONAL RAILWAY COMPANY: the first named complaint protesting against Buffalo city passengers being carried in the city of Buffalo on Buffalo and Lockport and on Buffalo and Rochester cars; and the second complaint protesting against Buffalo city passengers being carried in the city of Buffalo on Buffalo and Lockport cars.

This case embraces a number of complaints which have been filed with the Commission by the common council of the City of Lockport, the common council of the City of North Tonawanda, and many of the residents of said cities and other places traversed by the Buffalo-Lockport cars, which are operated by the International Railway Company; such complaints allege that the said cars which are intended for service between said places and the city of Buffalo are patronized and occupied by residents of the city of Buffalo so that suburban passengers are inconvenienced in the use of the same. After combining the said complaints into one case, the usual course was taken by the Commission in requiring the International Railway Company either to satisfy said complaints or make answer thereto. Subsequently, and on the 12th day of April, 1916, a communication was received by the Com-

mission from the said International Railway Company in the form of a letter from E. G. Connette, the president thereof, dated April 11, 1916, and which letter is filed with the papers in this case, whereby the said International Railway Company consents to satisfy the said complaints and operate all of said cars between Buffalo and Lockport for through suburban service only, commencing April 12, 1916; and another communication from E. J. Dickson, the vice-president of the International Railway Company, dated April 15, 1916, has been received by the Commission and filed with the papers in this case, in which it is announced that the said through suburban service for said cars had already been put in operation, and that local passengers thereon in the city of Buffalo are not to be received or carried; and it appearing from the communications received from said complainants and filed herein that such action of the International Railway Company is a satisfaction of their complaints, it is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5497]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ASHVILLE AND PANAMA TELEPHONE AND TELEGRAPH COMPANY (Chautauqua county) under section 101 of the Public Service Commissions Law for authority to issue \$500 common capital stock.

Petition filed March 29, 1916; report of telephone engineer dated April 18, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ashville and Panama Telephone and Telegraph Company is hereby authorized, pursuant to the provisions of section 101 of the Public Service Commissions Law, to issue \$500 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$500.

2. That said stock of the par value of \$500 so authorized, or the proceeds thereof to the amount of \$500, shall be used solely and exclusively for the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from November 22, 1915, to March 1, 1916, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation, \$528.76: amount unprovided for \$28.76.

3. That the Ashville and Panama Telephone and Telegraph Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such report shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period

no stock was sold or disposed of or proceeds thereof expended the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5505]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of BUFFALO GENERAL ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Tonawanda, Erie county, an electric plant, including poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise to use highways and public places for the lines received from the town board and superintendent of highways.

The petitioner, Buffalo General Electric Company, filed its petition in this proceeding on the 10th day of April, 1916, for permission to construct in the town of Tonawanda, Erie county, an electric plant, and for the laying, erection, construction, maintenance, and operation of all suitable structures in, along, across, through, over, or under the public ways of said town for conducting, transmitting, and furnishing electricity to the said town and the inhabitants thereof, and for the transmission of such electric power through the said town to the city line of Buffalo; and for approval of the exercise of a franchise to use highways and public places therefor received from the town board and superintendent of highways of said town, and which said franchise was granted and is dated April 25, 1916; thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 21st day of April, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held by the Commission in the city of Buffalo on the 22nd day of April, 1916, at which hearing Mr. Charles R. Huntley, the president, and Hon. Daniel J. Kenefick, of the firm of Kenefick, Cooke, Mitchell and Bass of Buffalo, attorneys, having appeared on behalf of said petitioner; and Mr. F. L. Lovelace of Niagara Falls, N. Y., having appeared on behalf of the Tonawanda Power Company; and no one appeared in opposition thereto, except that it was requested by the attorney for the Tonawanda Power Company that the order of the Commission herein contain a provision that said company may apply for a hearing in this matter in case it desires to make objections to the approval of said franchise relating to said distribution system, at any time within six months after the date of such order, which was consented to by

the petitioner herein; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation, and is desirous of constructing in said town a steam plant with all necessary equipments for generating electricity to be transmitted therefrom to the city of Buffalo by means of suitable wires, cables, or other conductors, with all necessary poles, pipes, conduits, and other appliances; and also for the purpose of conducting, transmitting, distributing, and furnishing electricity by such means to the said town of Tonawanda and the inhabitants thereof for light, heat, and power; and the said franchise having been presented to and filed with the Commission at said hearing, marked as exhibit 2, and filed with the papers in this case. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service; it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval are hereby given to Buffalo General Electric Company to construct, maintain, and operate the said electric plant, and to lay, construct, maintain, and operate in said town all suitable wires, cables, or other conductors, with the necessary poles, pipes, conduits, and other appliances for conducting, transmitting, distributing, and furnishing electricity for light, heat, and power to the said town of Tonawanda and the inhabitants thereof, and also for the purpose of transmitting electric power from the said generating plant to the city line of Buffalo, as the same are specifically provided for in said franchise.

2. That permission and approval are also hereby given to the Buffalo General Electric Company to exercise all the rights and privileges conferred by the said franchise so granted by the town board and superintendent of highways of the Town of Tonawanda, Erie county, on the 25th day of March, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No such poles, pipes, conduits, appliances, or other structures herein authorized shall be placed in, along, over, across, through, or under any state or county highway without first obtaining the consent of the State Commission of Highways.

4. That the said Tonawanda Power Company may without prejudice and within six months from the date of this order apply to the Commission for a hearing in this case upon that part of the application herein relating to the exercise of said franchise for the distribution service of the petitioner to the town of Tonawanda and the inhabitants thereof.

[Case No. 5515]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of April, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MIDDLEBURGH AND SCHOHARIE RAILROAD COMPANY under subdivision 10, section 8 Railroad Law for authority to issue a mortgage for \$18,000, and under section 55 Public Service Commissions Law for authority to issue \$18,000 5 per cent 20-year bonds to be secured thereby.

Petition filed April 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Middleburgh and Schoharie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the

Public Service Commissions Law, to execute and deliver to Daniel D. Frisbie and Charles E. White as trustees, a certain indenture, deed of trust, or mortgage upon all its railroad and equipment dated the 1st day of May, 1916, to secure an issue of first mortgage 20-year coupon bonds, bearing interest at the rate of 5 per cent per annum payable semiannually on the 1st days of November and May in each year, to the aggregate amount of \$18,000 face value, a copy of which mortgage has been filed with the Commission herein; and that the form of such indenture so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of it in the form in which it was executed and filed, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and filed is the same as that herein approved by the Commission.

3. That the Middleburgh and Schoharie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$18,000 face value of its 5 per cent 20-year first mortgage bonds under the aforesaid mortgage which shall be sold for not less than their face value and accrued interest, to give net proceeds of \$18,000.

4. That said bonds of the face value of \$18,000 so authorized, or the proceeds thereof to the amount of \$18,000, shall be used solely and exclusively for the refunding of an outstanding mortgage dated April 20, 1896, given to Daniel D. Frisbie and Dow Beekman as trustees, together with the bonds outstanding thereunder, \$18,000.

5. That if the said bonds of a total face value of \$18,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$18,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Middleburgh and Schoharie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Middleburgh and Schoharie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such periods, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, April, 1916.

No. 5907; April 1, 1916; The Baltimore and Ohio Railroad Company:

Ordered: That under its application of date March 30, 1916, The Baltimore and Ohio Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., No. 41, lighterage and terminal regulations in New York Harbor, said supplement to establish a regulation as Rule A-1, charge for reconsignment of eastbound freight, as per exhibit made a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. 41, effective April 10, 1916.

No. 5908; April 1, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date March 31, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 736, on disbanded circuses and show outfits, changing page three, Rule 6, governing track storage charge to provide that the rate of \$1.05 per car per month or any portion thereof will apply during the first seven months instead of the first six months. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to G. O. P. S. C. No. 736, effective April 14, 1916.

No. 5909; April 1, 1916; Lehigh and New England Railroad Company:

Ordered: That under its application of date March 31, 1916, the Lehigh and New England Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 83; car demurrage rules, said supplement to cancel supplement No. 1, filed to take effect April 1, 1916, and reissue matter contained without change except to provide expiration date of new Rules Nos. 7 and 9 as June 15, 1916, instead of July 1, 1916, and to make corresponding change in date of Rules thereafter to apply. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 83, filed April 7, 1916.

No. 5910; April 3, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of April 1, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, upon not less than one day's notice, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 2184, said supplement to cancel supplement No. 8, filed to take effect April 1, 1916, reissuing matter contained, changed as per statement in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by supplement No. 9 to P. S. C. No. 2184, effective April 7, 1916.

No. 5911; April 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of April 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission

established thereunder, upon fifteen days' notice and effective not earlier than May 1, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2311, for the purpose of correcting supplement No. 12, filed to take effect May 1, 1916, and show that rate of \$1.05 per two thousand pounds will apply on shipments of Paving Brick, Building Brick, Flat Flooring Brick, and Roofing Brick from Corning, N. Y., to stations on Pennsylvania Railroad taking index Nos. 8861 to 8865 inclusive, via route D.

Completed by supplement No. 13 to P. S. C. N. Y. C. No. 2311, effective May 1, 1916.

No. 5912; April 3, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date April 1, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a blanket supplement, such supplement to operate to eliminate from all freight tariffs published by The Pennsylvania Railroad Company the demurrage and car service regulations appearing under rules governing the tariff, and to effect such change said blanket supplement may be issued regardless of Rule 9, Circular No. 55, limiting the number or size thereof. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by proper supplements, effective April 8 to 11, 1916.

No. 5913; April 5, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date April 3, 1916, R. N. Collyer, agent for various carriers, duly authorized by them to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than five days' notice, a supplement to his tariff, P. S. C., 2 N. Y., O. C. No. 43, for the purpose of amending paragraph 1824 (k) of the Interstate Commerce Commission's regulations for the transportation of dangerous articles other than explosives by freight, as shown in item 1, page 18 of supplement No. 4, changing the effective date under which regulations must be made effective from not later than March 15, 1916, to not later than May 15, 1916.

Completed by supplement No. 5 to P. S. C. O. C. No. 43, filed April 15, 1916.

No. 5914; April 5, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 4, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than three days' notice, a supplement amending freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, and establish the following rule on page 62:

"13 (aa): On export Grain, in bulk, the free time and storage charges will apply whether grain is held in cars or in elevators. Time will be computed from the first 7 a. m. following date of arrival at 60th St., New York city, or Weehawken, N. J., or at the outer holding yards at 60th St., New York city, or New Durham, N. J., and date of notice of arrival to consignee."

This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 2483, effective April 10, 1916.

No. 5915; April 5, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 4, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than three days' notice, a supplement amending freight

tariff P. S. C., 2 N. Y., W. S. No. 667, and establish the following rule on page 60:

"14 (aa): On export Grain, in bulk, the free time and storage charges will apply whether grain is held in cars or in elevators. Time will be computed from the first 7 a. m. following date of arrival at Weehawken, N. J., or at the outer holding yards at New Durham, N. J., and date of notice of arrival to consignee."

This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date thereof.

Completed by supplement No. 5 to P. S. C. W. S. No. 667, effective April 10, 1916.

No. 5916; April 5, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date April 4, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a blanket supplement, such supplement to operate to eliminate from its freight tariffs P. S. C., 2 N. Y., Nos. D-2333, D-2440, and D-2848, the demurrage and car service regulations contained in said tariffs. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 37 to P. S. C. No. D-2333, supplement No. 55 to P. S. C. No. D-2440, and supplement No. 25 to P. S. C. No. D-2848; effective April 11, 1916.

No. 5917; April 5, 1916; Carl Howe, Agent:

Ordered: That under his application of date April 3, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), duly authorized to publish and file tariff of lighterage and terminal regulations in New York Harbor, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to his P. S. C., 2 N. Y., No. 2, said supplement to establish charge for reconsignment of eastbound freight as per statement contained in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by pages 60-A and 60-B to P. S. C. No. 2, effective April 22, 1916.

No. 5918; April 5, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date April 5, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and effective not earlier than April 18, 1916, a freight tariff on Coke Breeze or Fines, in carloads, minimum twenty tons of two thousand pounds each, from Port Henry, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to Fort Plain, N. Y., at rate of one dollar and fifty cents per two thousand pounds, such tariff to cancel tariff P. S. C., 2 N. Y., No. 3266, effective April 18, 1916.

Completed by P. S. C. No. 3270, effective April 18, 1916.

No. 5919; April 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penn., and East):

Ordered: That under its application of date April 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, rules governing storage of freight at New York city and Brooklyn, N. Y., Queensboro Terminal, Long Island City; also lighterage and terminal regulations in New York Harbor,

such supplement to establish amended Rule 9, page 56, Rule 6, page 59, Rule A-1 (h), page 64, and Rule 4 (e), page 65, as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2483, effective May 2, 1916.

No. 5920; April 6, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 5, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 667, rules governing storage of freight at New York city and Brooklyn, N. Y., Queensboro Terminal, Long Island City, N. Y.; also lighterage and terminal regulations in New York Harbor, such supplement to establish amended Rule 9, pages 53 and 54, Rule 6, page 57, Rule A-1 (h), page 62, and Rule 3 (e), page 63. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. W. S. No. 667, effective May 2, 1916.

No. 5921; April 6, 1916; The Staten Island Rapid Transit Railway Company:

Ordered: That under its application of date April 5, 1916, The Staten Island Rapid Transit Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a blanket supplement, such supplement to operate to eliminate from all freight tariffs published by The Staten Island Rapid Transit Railway Company the demurrage and car service regulations appearing under rules governing the tariff, and to effect such change said blanket supplement may be issued regardless of Rule 9, Circular No. 55, limiting the number or size thereof. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplements Nos. 1 to P. S. C. Nos. 131, 132, 133, and 135; and supplement No. 4 to P. S. C. No. 134, effective April 19, 1916.

No. 5922; April 7, 1916; New York, Ontario, and Western Railway Company:

Ordered: That under its application of date April 5, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 1260, and therein establish on Lumber, in carloads, minimum weight thirty-four thousand pounds, from Smyrna, N. Y., to Norwich, N. Y., a rate of sixty-eight cents per two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 18 to P. S. C. No. 1260, effective April 17, 1916.

No. 5923; April 7, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date April 6, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a joint commodity tariff applying on Cider and Vinegar, in carloads, minimum weight to be specified, from Bouckville, N. Y., over its line via Middletown, N. Y., and the Erie railroad to Goshen, N. Y., at rate of ten and five-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3263, effective April 11, 1916.

No. 5924; April 7, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date April 7, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3152, for the purpose of establishing on paper and paper articles, in carloads and less than carloads, to Pier 39, North river, foot of West Houston street, New York, N. Y., the same rates as are now in effect to Pier 32, North river, New York, N. Y., as shown in said tariff. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 13 to P. S. C. No. 3152, effective April 18, 1916.

No. 5925; April 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, rules governing storage of freight at New York city and Brooklyn, N. Y., Queensboro Terminal, Long Island City; also lighterage and terminal regulations in New York Harbor, such supplement to establish amended Rule 3, page 54, Rule 4, page 54, and Rule 4, page 59, as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2483, effective May 2, 1916.

No. 5926; April 8, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 7, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S., No. 667, rules governing storage of freight at New York city and Brooklyn, N. Y., Queensboro Terminal, Long Island City; also lighterage and terminal regulations in New York Harbor, such supplement to establish amended Rule 3, page 52, Rule 4, page 52, and Rule 4, page 57, as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. W. S. No. 667, effective May 2, 1916.

No. 5927; April 8, 1916; Buffalo and Susquehanna Railroad Corporation and Wellsville and Buffalo Railroad Corporation:

Ordered: That under their application of date April 7, 1916, the Buffalo and Susquehanna Railroad Corporation and Wellsville and Buffalo Railroad Corporation are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a blanket supplement, such supplement to operate to eliminate from all freight tariffs published by the Buffalo and Susquehanna Railroad Corporation and Wellsville and Buffalo Railroad Corporation the demurrage and car service regulations appearing under rules governing the tariff, and to effect such change said blanket supplement may be issued regardless of Rule 9, Circular No. 55, limiting the number or size thereof. This permission is void unless

the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by numerous supplements filed April 22 and effective April 30, 1916.

No. 5928; April 10, 1916; Carl Howe, Agent:

Ordered: That under his application of date April 10, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a revision of page seventy of said tariff, his P. S. C., 2 N. Y., No. 2, containing, in part, rules and charges governing the handling of grain, in bulk, in New York city and points in New York Harbor, said revised page to cancel fifth revised page of said tariff and to establish the following rule:

"14 (aa): On export Grain, in bulk, the free time and storage charges will apply whether grain is held in cars or in elevators. Time will be computed from the first 7 a. m. following date of arrival at 60th street, New York city, or Weehawken, N. J., or at the outer holding yards at 60th street, New York city, or New Durham, N. J., and date of notice of arrival to consignee."

This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by sixth revised page 70 to P. S. C. No. 2, effective April 22, 1916.

No. 5929; April 10, 1916; Carl Howe, Agent:

Ordered: That under his application of date April 7, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of light-erage and terminal regulations in New York Harbor, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to his P. S. C., 2 N. Y., No. 2, said supplement to establish in connection with charge for reconsignment of eastbound freight, Rule A-1, a new regulation as paragraph (h) thereof; also to amend Rule 4 (e), page 61, as per statement contained in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by page 60-B and tenth revised page 61 to P. S. C. No. 2, effective April 22, 1916.

No. 5930; April 10, 1916; The Baltimore and Ohio Railroad Company:

Ordered: That under its application of date April 7, 1916, The Baltimore and Ohio Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 41, light-erage and terminal regulations in New York Harbor, said supplement to establish amended Rules A-1 (h) and 1 (e) as set forth in exhibit a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. No. 41, effective May 2, 1916.

No. 5931; April 8, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date April 7, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and under an effective date not earlier than May 7, 1916, a local freight tariff as canceling its P. S. C., 2 N. Y., No. 1241, filed to take

effect May 7, 1916, reissuing the matter contained therein without change except to provide that the transfer charge named therein will apply at Buffalo Creek Docks instead of at Ganson Street Docks.

Completed by P. S. C. No. 1244, effective May 7, 1916.

No. 5932; April 11, 1916; Erie Railroad Company:

Ordered: That under its application of date April 10, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its tariff of switching charges, P. S. C., 2 N. Y., No. 3354, and therein establish a charge of five dollars and sixty cents per car on Limestone, carloads, from Minnesota Dock, Buffalo Lake, N. Y., to Buffalo Union Furnace Company, Buffalo, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 3354, effective April 19, 1916.

No. 5933; April 11, 1916; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application of date April 10, 1916, the Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity freight tariff on Wool and Hair, in straight or mixed carloads, carload minimum weight 22,500 pounds, from Gloversville, N. Y., via Fonda, N. Y., and the New York Central railroad to Amsterdam, N. Y., at rate of seven and one-half cents per hundred pounds, such rate being exclusive of switching charges at Gloversville, N. Y., or Amsterdam, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 226, effective April 17, 1916.

No. 5934; April 12, 1916; The Long Island Railroad Company:

Ordered: That under its application of date April 11, 1916, The Long Island Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a supplement to its local and interdivision passenger tariff of commutation fares, P. S. C., 2 N. Y., No. 375, said supplement to change matter shown under caption "Exceptions" on page nine to read as follows:

"The fares shown above will apply for tickets between East New York, N. Y., and stations on the Manhattan Beach division, and between Flatbush avenue, Nostrand avenue (Brooklyn), East New York, and stations on the North Side division."

This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. No. 375, effective April 25, 1916.

No. 5935; April 12, 1916; Hudson Navigation Company:

Ordered: That under its application of date April 7, 1916, the Hudson Navigation Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, a freight tariff of rules governing storage charges and regulations on inward freight at New York, N. Y., Albany, N. Y., and Troy, N. Y., said tariff to cancel tariff P. S. C., 2 N. Y., No. 116, filed to take effect April 13, 1916, and to reissue matter contained except as to Rules 2 and 3, which rules are to be changed as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 118, effective April 20, 1916.

No. 5936; April 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) :

Ordered: That under its application of date April 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Pulp Wood, in carloads, minimum twelve cords, from Carthage, N. Y., to Hinckley, N. Y., at rate of one dollar and sixty-eight cents per cord. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2766, effective April 15, 1916.

No. 5937; April 14, 1916; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application of date April 13, 1916, The New York, Chicago and St. Louis Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, supplements to or reissues of its tariffs P. S. C., 2 N. Y., Nos. 396, 504, 505, 507, 554, and supplement No. 1 to P. S. C., 2 N. Y., No. 523, said supplements or tariffs to revise rules and regulations governing freight traffic for export as per exhibits made part of said application. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 555, supplement No. 13 to P. S. C. No. 504, supplement No. 29 to P. S. C. No. 505, supplement No. 5 to P. S. C. No. 507, supplement No. 9 to P. S. C. No. 523, and supplement No. 1 to P. S. C. No. 554; effective May 10, 1916.

No. 5938; April 14, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date April 13, 1916, R. N. Collyer, agent for carriers, duly authorized to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, said supplement to cancel supplement No. 2 to said tariff and to further postpone until October 30, 1916, the effective date of the specifications for steel machine finished belting or sprocket chains, as shown on page 102, item 18, of said classification; also to provide, pending restoration, reissue, or cancellation of said item, for the continuance in force of the ratings now in effect as shown in supplement No. 2 to said tariff. This permission is void unless the schedule issued thereunder is filed with the Commission on or before April 29, 1916.

Completed by supplement No. 7 to P. S. C. O. C. No. 43, filed April 22, 1916.

No. 5939; April 14, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date April 13, 1916, R. N. Collyer, agent for carriers, duly authorized to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and to become effective not earlier than May 1, 1916, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, said supplement to revise Rule 7 (B) to read as set forth in said application.

Completed by supplement No. 6 to P. S. C. O. C. No. 43, effective May 1, 1916.

No. 5940; April 14, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application of date April 13, 1916, the Buffalo, Lockport and Rochester Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less

than three days' notice, a local freight tariff of carload class and commodity rates as its P. S. C., 2 N. Y., No. 19, canceling P. S. C., 2 N. Y., No. 17, said tariff to contain rates, rules, and regulations as per exhibit made a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 19, effective April 24, 1916.

No. 5941; April 14, 1916; International Railway Company:

Ordered: That under its application of date April 13, 1916, the International Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective not earlier than May 1, 1916, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 154, said supplement to amend page two to show Buffalo, Lockport and Rochester Railway Company and Niagara Gorge Railroad Company as participating carriers under concurrence form and number on file with this Commission, and to amend page 4, table of excess baggage rates, to show that the figures in each column are in dollars and cents.

Completed by supplement No. 1 to P. S. C. No. 154, effective May 1, 1916.

No. 5942; April 15, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date April 14, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its tariff of car demurrage, P. S. C., 2 N. Y., No. 790, said supplement to amend supplement No. 7 to said tariff P. S. C., 2 N. Y., No. 790, and provide car demurrage charges applicable at all stations on Buffalo, Rochester and Pittsburgh railway as follows: \$1.00 per car per day or fraction of a day for three days, after 48 hours' free time; \$2.00 per car per day or fraction thereof until car is released; \$1.00 per car per day or fraction thereof to apply on Sundays and legal holidays. Such charges to expire with the close of business June 14, 1916, and on and after said date rates now in force to be restored into effect. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. No. 790, effective April 25, 1916.

No. 5943; April 15, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date April 14, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and under an effective date not earlier than May 15, 1916, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 861, said supplement to change headings of the first, third, fifth, and seventh columns of notes eighteen, nineteen, twenty, and twenty-one, on pages twenty-four and twenty-five, now reading "When the published fourth-class rate is" to read "When the published sixth-class rate is".

Completed by supplement No. 1 to G. O. P. S. C. No. 861, effective May 15, 1916.

No. 5944; April 17, 1916; The Baltimore and Ohio Railroad Company:

Ordered: That under its application of date April 14, 1916, The Baltimore and Ohio Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and effective not earlier than May 10, 1916, a supplement to its tariff P. S. C., 2 N. Y., No. 38, said supplement to cancel supplement No. 5 and reissue the matter contained changed as per exhibit made a part of said application.

Completed by supplement No. 6 to P. S. C. No. 38, effective May 10, 1916.

No. 5945; April 17, 1916; New York and Pennsylvania Railway Company:

Ordered: That under its application of date April 12, 1916, the New York and Pennsylvania Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commissions established thereunder, upon not less than one day's notice, a blanket supplement, such supplement to operate to eliminate from all freight tariffs published by the New York and Pennsylvania Railway Company the demurrage and car service regulations appearing under rules governing the tariff, and to effect such change said blanket supplement may be issued regardless of Rule 9, Circular No. 55, limiting the number or size thereof. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by blanket supplement to various tariffs, effective April 29, 1916.

No. 5946; April 18, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date April 17, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its passenger tariff of rules and regulations governing the sale and use of mileage tickets, P. S. C., 2 N. Y., No. 1301, said supplement to provide exceptions to Rule 15 and to revise Rule 18 as shown in exhibits a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date thereof.

Completed by supplement No. 5 to P. S. C. No. 1301, effective April 22, 1916.

No. 5947; April 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to its freight tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 2425 and 2426, said supplements to postpone, as to New York state traffic, the effective dates of said tariffs from April 30 until October 30, 1916, and show date of issue only.

It is further ordered: That to permit supplementing of said tariffs the requirements of Rule 9 (e), Circular No. 55, will be waived.

This permission is void unless the schedules are filed with the Commission on or before April 30, 1916.

Completed by supplements Nos. 2 to P. S. C. N. Y. C. Nos. 2425 and 2426, filed April 25, 1916.

No. 5948; April 19, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 17, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 650, said supplement to establish the rates on Unburned Ground Limestone, in carloads, minimum weight forty thousand pounds, from South Bethlehem, N. Y., to New York state stations as shown in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. W. S. No. 650, effective April 26, 1916.

No. 5949; April 20, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and

east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2440, said supplement to establish on Unburned Ground Limestone, carloads, minimum weight forty thousand pounds, from Denley, N. Y., to Constable, N. Y., a rate of one dollar and thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 2440, effective May 4, 1916.

No. 5950; April 20, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 19, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff, and therein establish on Cement (common, hydraulic, natural, or portland), in carloads, minimum weight fifty thousand pounds, from Hudson, N. Y., over its line and the West Shore railroad via Mortimer, N. Y., and the Lehigh Valley railroad to Williamsville, N. Y., a rate of one dollar and ninety cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date thereof.

Completed by P. S. C. N. Y. C. No. 2683, effective April 26, 1916.

No. 5951; April 20, 1916; Empire United Railways, Inc., Receivers:

Ordered: That under its application of date April 18, 1916, the Empire United Railways, Inc. (H. S. Holden and C. Loomis Allen, temporary receivers), is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint freight tariff of less than carload commodity rates on Iron and Steel Articles weighing ten pounds or more per piece or per bundle, said tariff to establish the rates to apply from Syracuse, N. Y., via Rochester, N. Y., and the Buffalo, Lockport and Rochester railway to Medina, N. Y., and Lockport, N. Y., and the rules and regulations as stated in exhibit made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 26, effective May 1, 1916.

No. 5952; April 20, 1916; Empire United Railways, Inc., Receivers:

Ordered: That under its application of date April 18, 1916, the Empire United Railways, Inc. (H. S. Holden and C. Loomis Allen, temporary receivers), is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint freight tariff of less than carload commodity rates on Paper and Paper Articles, said tariff to establish the rates and rules and regulations as per exhibit made part of said application to apply from Phoenix, N. Y., and Fulton, N. Y., via Rochester, N. Y., and the Buffalo, Lockport and Rochester railway to various points upon its line Spencerport, N. Y., to Lockport, N. Y., inclusive. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 27, effective May 1, 1916.

No. 5953; April 22, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 21, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service

Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff, and therein establish on Crushed Stone, carloads, minimum weight sixty thousand pounds, from Tompkins Cove, N. Y., to Firthcliffe, N. Y., a rate of sixty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 723, effective April 28, 1916.

No. 5954; April 22, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date April 20, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3220, said supplement to further postpone, as to New York state traffic, the effective date of said tariff from April 30 until October 30, 1916, and show date of issue only.

It is further ordered: That to permit supplementing of said tariff the requirements of Rule 9 (e), Circular No. 55, will be waived.

This permission is void unless the schedule issued thereunder is filed with the Commission on or before April 30, 1916.

Completed by supplement No. 3 to P. S. C. No. D-3220, filed April 27, 1916.

No. 5955; April 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 22, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff and therein establish on Building, Common, and Paving Brick; also on Drain and Hollow Building Tile, in carloads, minimum weight fifty thousand pounds, from Beach Ridge, N. Y., over its line via Geneva, N. Y., and the Lehigh Valley railroad to Ithaca, N. Y., a rate of one dollar and eighty four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2692, effective April 29, 1916.

No. 5956; April 24, 1916; Rutland Railroad Company:

Ordered: That under its application of date April 24, 1916, the Rutland Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity tariff, and therein establish on Wood and Sulphite Pulp, in carloads, minimum weight as per Official Classification, from Chateaugay, N. Y., and Malone, N. Y., over its line via Norwood, N. Y., and the New York Central railroad to Carthage, N. Y., a rate of eight and four-tenths cents per hundred pounds, and to Harrisville, N. Y., a rate of nine and five-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 790, effective April 29, 1916.

No. 5957; April 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and its leased line, the West Shore Railroad:

Ordered: That under its application of date April 25, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) for itself and its leased line, the West Shore Railroad, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice and effective not earlier than April 28, 1916, supplements to its passenger tariffs N. Y. C. & H. R. R. Co. issue

P. S. C., 2 N. Y., No. 1007, and West Shore R. R. issue P. S. C., 2 N. Y., No. 446, said supplements to cancel Rule 4 of said tariffs and substitute therefor the following:

"4. *Limits.* 1,000-mile books, Form 'D,' issued on or after April 28, 1916, will be good until used. In addition, outstanding issues of N. Y. C. & H. R. R. R. 500-mile books, Forms 'B' or 'E,' and outstanding issues of N. Y. C. & H. R. R. R. 1,000-mile books, forms 'A' or 'D,' also New York Central R. R. 1,000-mile books, Form 'D,' will be valid for passage on the New York Central Railroad (Buffalo and east), New York Central Railroad (Buffalo and west), West Shore Railroad, and New York State Railways (Oneida Line), for journeys wholly within the State of New York until used."

This permission is void unless the schedules issued thereunder are filed with the Commission on or before April 27, 1916.

Completed by supplement No. 5 to N. Y. C. & H. R. R. R. P. S. C. 1007, and supplement No. 5 to West Shore P. S. C. No. 446, effective April 28, 1916. No. 5958; April 25, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date April 24, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Pulp Wood, carloads, minimum weight forty thousand pounds, from Oswego, N. Y., to Battle Island, N. Y., at rate of thirty-seven cents per two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3274, effective April 29, 1916.

No. 5959; April 25, 1916; Catskill and New York Steamboat Company, Limited:

Ordered: That under its application of date April 24, 1916, the Catskill and New York Steamboat Company, Limited, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective not earlier than May 1, 1916, a supplement to its joint passenger tariff, P. S. C., 2 N. Y., No. 9, said supplement to make the changes in the one-way and round-trip fares and ten ride commutation fares as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission at least three days prior to May 1, 1916.

Completed by supplement No. 1 to P. S. C. No. 9, effective May 1, 1916. No. 5960; April 25, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date April 21, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than May 15, 1916, a tariff of joint commodity rates on Paper and other kindred articles, said tariff to cancel tariff P. S. C., 2 N. Y., No. 2685, filed to take effect May 15, 1916, and to reissue the matter contained without change except to show that the carload rates apply on Group A commodities and the less carload rates apply on Groups A, B, and C commodities. This permission is void unless the schedule issued thereunder is filed with the Commission at least five days prior to May 15, 1916.

Completed by P. S. C. No. 2693, effective May 15, 1916.

No. 5961; April 26, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date April 25, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish

and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity freight tariff on Ice, in carloads, minimum weight forty thousand pounds, from Machias, N. Y., to Salamanca, N. Y., at rate of fifty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1253, effective April 30, 1916.

No. 5962; April 26, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 25, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Heading, Wood; Hoops, Wood; and Staves, Wood, in carloads, minimum weight as per Official Classification, from Salisbury Center, N. Y., to Syracuse, N. Y., at rate of nine and one-half cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2695, effective April 29, 1916.

No. 5963; April 26, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 25, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Limestone or Fluxing Stone, carloads, minimum weight twenty-four tons of twenty-two hundred and forty pounds each, from Gouverneur, N. Y., to Attica, N. Y., and Batavia, N. Y., at rate of eighty-nine cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2696, effective May 1, 1916.

No. 5964; April 26, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 25, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Earth, Broken Stone, and Cinders, in straight or mixed carloads, minimum weight fifty thousand pounds, from Newton Falls, N. Y., to Aldrich, N. Y., at rate of thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2697, effective May 1, 1916.

No. 5965; April 27, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date April 24, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of switching rates at Buffalo, N. Y., and vicinity, superseding its tariff P. S. C., 2 N. Y., No. D-3251; also to supplement its tariff P. S. C., 2 N. Y., No. D, 2297, storage, and transit privileges, etc., at Buffalo, N. Y., said tariff of switching rates to reissue matter contained without change other than to substitute Great Lakes Transit Corporation in place of Mutual Transit Company, and said supplement to storage and transit privileges tariff to eliminate from paragraphs 1, 2, and 8 all reference to Mutual Transit Company and substitute therefor Great Lakes Transit Corporation. This

permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3280 and supplement No. 5 to P. S. C. No. D-2297, effective May 7, 1916.

No. 5966; April 27, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date April 24, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a blanket supplement to its freight tariffs P. S. C., 2 N. Y., Nos. D-1375, D-2850, D-2851, and D-2853, said supplements to eliminate the following reference mark from Buffalo (Lake Freight House), N. Y., taking index No. 470:

(1) (21) "The Lake Freight Houses will be used only for through traffic moving via the Mutual Transit Company, The Lehigh Valley Transportation Company, or all-rail."

It is further Ordered: That to permit supplementing of said tariffs the requirements of Rule 9 (e), Circular No. 55, will be waived.

This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplements Nos. 1 to P. S. C. Nos. D-2850, D-2851, and D-2853; effective May 8, 1916. No supplement to P. S. C. No. D-1375 issued under authority of this special permission.

No. 5967; April 27, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 26, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff of rules governing storage and reconsignment of carload traffic, etc., at Buffalo, N. Y., said tariff to cancel tariff P. S. C., 2 N. Y., No. 14064 (N. Y. C. & H. R. R. R. Co. issue), and to establish rules as per exhibit made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2699, effective May 6, 1916.

No. 5968; April 27, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 26, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff of rules governing storage and reconsignment of carload traffic etc., at Buffalo, N. Y., said tariff to cancel tariff P. S. C., 2 N. Y., No. 3988, and to establish rules as per exhibit made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 728, effective May 6, 1916.

No. 5969; April 27, 1916; Empire United Railways, Inc.:

Ordered: That under its application of date April 18, 1916, as amended by letter dated April 26, 1916, the Empire United Railways, Incorporated, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not earlier than May 1, 1916, a joint freight tariff of class and commodity rates applying on less than carload shipments from points on the Empire United Railways to points on the Buffalo, Lockport and Rochester railway as per exhibit made part of said application as amended. This

permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 29, effective May 9, 1916.

No. 5970; April 27, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 27, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local commodity tariff on Fluid Milk, in forty-quart cans, carloads, minimum one hundred and twenty-five cans, from Patterson, N. Y., to Amenia, N. Y., at rate of twenty-one and one-tenth cents per can, such rate to include free return of empty cans but not to include icing. This permission is void unless the schedule issued thereunder is filed with the Commission under an effective date of April 27, 1916.

Completed by P. S. C. N. Y. C. No. 2694, effective April 27, 1916.

No. 5971; April 20, 1916; The Long Island Railroad Company:

Ordered: That under its application of date April 19, 1916, The Long Island Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., No. 423, and establish therein on Gravel, in carloads, minimum weight forty thousand pounds, from Blissville Docks, N. Y., to Long Beach, N. Y., a rate of forty cents per two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. 423, effective May 2, 1916.

No. 5972; April 28, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 27, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Moulding Sand, carloads, minimum weight fifty-four thousand pounds, from Utica, N. Y., to Whitesboro, N. Y., at rate of forty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2701, effective May 5, 1916.

No. 5973; April 28, 1916, by C. L. Hunter, Agent:

Ordered: That under his application of date April 26, 1916, C. L. Hunter, agent for carriers, duly authorized to publish and file Buffalo and Suspension Bridge, N. Y., joint passenger tariff, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a supplement to said joint passenger tariff, his P. S. C., 2 N. Y., No. 13, and also revision of page 236, said supplement to cancel announcement of opening of navigation of Manhattan Navigation Company for the season of 1916 as said Navigation Company will not operate during such season, and said revised page to eliminate fares applying via Manhattan Navigation Company's line of steamers; and also to correct typographical error in basing fare from Buffalo to Niagara Falls via Erie railroad to read fifty-five cents instead of fifteen cents. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 and sixth revised page 236 to P. S. C. No. 13, effective May 15, 1916.

No. 5974; April 29, 1916; Greenwich and Johnsonville Railway Company:

Ordered: That under its application of date April 29, 1916, the Greenwich and Johnsonville Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint and proportional tariff on Cream, any quantity, in cans of forty quarts each (when transported in baggage cars in passenger train service, week days only), from Greenwich, N. Y., over its line via Greenwich Junction (Salem), N. Y., and The Delaware and Hudson Company's railroad to Salem, N. Y., at rate of twenty-five cents per can (to be prepaid), such rate to include free return of empty cans. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 413, effective May 2, 1916.

No. 5975; April 29, 1916; Erie Railroad Company:

Ordered: That under its application of date April 27, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of rules governing the storage and diversion of eastbound lake and rail freight at Buffalo, N. Y.; also a supplement to its tariff P. S. C., 2 N. Y., No. 2245, rules governing mixing, blending, and re-packing of flour, in carloads, at Buffalo, N. Y., said tariff to supersede its tariff P. S. C., 2 N. Y., No. 3504, reissuing the matter contained making same applicable in connection with the Great Lakes Transit Corporation and eliminating the privilege in connection with the Erie Lake Line and Mutual Transit Company, except on shipments received from these lines on or before December 15, 1915, subject to the time limit specified in Rule 4 of tariff P. S. C., 2 N. Y., No. 3504, and said supplement to make corresponding change in its rules, except that on shipments received from these lines on or before December 15, 1915, the time limit specified in Rule 7 of said tariff will apply. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3592, and supplement No. 3 to P. S. C. No. 2245, effective May 8, 1916.

No. 5976; April 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date April 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, supplements to or reissues of its tariffs P. S. C., 2 N. Y., No. 5696 (N. Y. C. & H. R. R. Co. issue), and P. S. C., 2 N. Y., N. Y. C. Nos. 24, 32, 457, 1182, 2330, and 2442, making no change other than to eliminate the following clause from said tariffs:

"The rates named in this tariff from Ohio Street station and from Erie Street station, Buffalo, N. Y., will not apply from lake freight houses or piers at those stations upon traffic from lake vessels, except freight received from vessels of the Western Transit Company, Mutual Transit Co., Cleveland & Buffalo Transit Co., or the Detroit & Cleveland Navigation Co."

This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by proper supplements to tariffs referred to, effective May 11 and 13, 1916.

No. 5977; April 29, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date April 28, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, supplements to or reissues of

its tariffs P. S. C., 2 N. Y., Nos. 1924, 3287, and P. S. C., 2 N. Y., W. S. Nos. 10 and 19, making no change other than to eliminate the following clause from said tariffs:

"The rates named in this tariff from Ohio Street station and from Erie Street station, Buffalo, N. Y., will not apply from lake freight houses or piers at those stations upon traffic from lake vessels, except freight received from vessels of the Western Transit Company, Mutual Transit Company, Cleveland & Buffalo Transit Co., or the Detroit & Cleveland Navigation Co."

This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 12 to P. S. C. No. 1924, effective May 10, 1916; supplement No. 8 to P. S. C. No. 3287, effective May 13, 1916; supplement No. 9 to P. S. C. W. S. No. 10, effective May 10, 1916; and supplement No. 2 to P. S. C. W. S. No. 19, effective May 11, 1916.

No. 5978; April 29, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date April 28, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of switching charges for movement of carload freight at Buffalo, N. Y., and establish switching charges to apply from Buffalo Creek Dock to connection with the Buffalo Creek Railroad and South Buffalo Railroad at rate of three dollars and fifty cents per car, and from Buffalo Creek Dock to connection with all other lines at rate of five dollars per car. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1263, effective May 12, 1916.

No. 5979; April 29, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date April 29, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., No. 3114, and therein establish on Cement, in carloads, as described on page eight of tariff, from Howes Cave, N. Y., over its line via Sidney, N. Y., and the New York, Ontario and Western Railway to Cadonia, N. Y., rate of one dollar and sixty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 19 to P. S. C. No. 3114, effective May 3, 1916.

No. T.&T. 112; April 11, 1916; New York Telephone Company:

Ordered: That under its application of April 10, 1916, the New York Telephone Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, proper revised sheets to its joint and local toll tariff, P. S. C., N. Y., No. R-82-G, canceling Fifth Revised Sheets 1-aa and 1-ab, and establish a subscriber rate of five cents and a public telephone rate of ten cents for a five-minute two-number call in either direction between Garden City and Freeport. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by schedules effective April 21, 1916.

No. T.&T. 113; April 29, 1916; Federal Telephone & Telegraph Company:

Ordered: That under its application of April 28, 1916, the Federal Telephone & Telegraph Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local general tariff applying at Hornell central station district. Such tariff to supersede tariff P. S. C., N. Y., No. A-40, reissuing the matter

contained without change other than to correct the business individual line rate to read thirty-one dollars and eighty cents instead of thirty-one dollars. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by schedule effective May 9, 1916.

No. El-13; April 12, 1916; The Rome Gas, Electric Light and Power Company:

Ordered: That under its application of April 11, 1916, The Rome Gas, Electric Light and Power Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, an amendment to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, establishing service classification for flat rate controlled service, residence and commercial lighting, and to revise the index to service classifications leaf of said schedule, as per exhibits made a part of said application. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by schedules effective April 20, 1916.

346 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2776]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application under section 91 of the Railroad Law by the PRESIDENT AND TRUSTEES OF THE VILLAGE OF WALDEN asking for the elimination of a grade crossing of the Wallkill Valley railroad by a highway known as Orange avenue, the crossing being locally known as Emblers, in the village of Walden.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered".

The Commission having by and under its order duly made and entered in the matter first above entitled on May 2, 1916, determined and directed that a defective pavement on an existing overgrade crossing on the revised line of Orange avenue, in the village of Walden, said crossing having been constructed in connection with the elimination of a grade crossing of Orange avenue under determination of this Commission dated May 13, 1912, and modified determination dated January 29, 1913, shall be repaired, the total cost of such repair work having been estimated at the sum of \$300, of which total cost the share of the State of New York as fixed by statute would be the sum of \$75; now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing elimination work heretofore ordered and now under way (the available balance being approximately the sum of \$169,000), there shall now be segregated and set apart to the credit of grade crossing case No. 2776 the sum of \$75, to meet the State's share of the cost of the repair work in said case, as such cost may be hereafter duly determined and certified by this Commission.

[Case No. 5359]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the FULTON LIGHT
HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$49,000 preferred capital stock. Amendatory
order.

By order herein dated April 13, 1916, the Fulton Light, Heat and Power Company was authorized to issue \$49,000 par value of its 6 per cent preferred capital stock, and to use the proceeds realized from the sale thereof at par for certain described improvements to its plant and system. In its aforesaid order the Commission described the stock authorized therein as "6 per cent non-cumulative preferred capital stock," which definition did not completely describe the securities which were to be authorized, which are 6 per cent non-cumulative preferred capital stock participating with common capital stock in dividends to 7 per cent. Now therefore, upon the foregoing record,

Ordered: That ordering clause No. 1 of the order herein dated April 13, 1916, is hereby modified and amended by the substitution therefor of the following:

"1. That the Fulton Light, Heat and Power Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$49,000 par value of its 6 per cent non-cumulative preferred capital stock participating with common capital stock in dividends to 7 per cent, which shall be sold at a price not less than the par value thereof."

[Case No. 5443]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of LUX AND SCHUMAN
against THE NEW YORK CENTRAL RAILROAD COMPANY
as to freight rate on deer skins from New York to
Fonda.

In this case the complainants allege that the rate of 47.3 cents a hundred pounds charged by The New York Central Railroad Company on a shipment of dried deer skins from New York to Fonda is unreasonable, because the company makes the same charge on such material from New York city to Johnstown, N. Y. Subsequent to the filing of the complaint, the respondent admitted that the rate which was challenged ought not to exceed the rate to Johnstown, Fonda being intermediate thereto, and stated that it would file a tariff at once establishing a commodity rate of 31.5 cents per hundred

pounds on dried deer skins in bales, less carloads, from pier 34, New York city, to Fonda, N. Y., and then make application to the Commission for permission to make reparation on the shipment in question of the difference between 47.3 cents per hundred pounds and 31.5 cents per hundred pounds. This proposed disposition of the matter did not meet with the approval of the complainants, who stated that the rate from New York to Fonda ought not to exceed 27.3 cents per hundred pounds, and requested a hearing on the complaint. In accordance with the request of the complainants a hearing was set down for April 28, 1916, at the office of the Commission in the city of Albany, N. Y. At that time the respondent appeared by its attorney, J. M. Sternhagen and W. S. Kallman, assistant freight traffic manager. After holding the hearing open for thirty minutes beyond the hour set for the hearing, no one appearing on behalf of the complainants and no notification having been received from them asking for a postponement, the respondent moved for a dismissal of the complaint, which motion was granted. It is therefore

Ordered: That the complaint herein be dismissed and the case closed upon the records of this Commission, without prejudice to the complainants so far as any reparation is concerned in connection with the shipment with regard to which the complaint originated.

[Case No. 5470]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day of
May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Operation by ANSEL Y. FOX of a bus line upon and along certain streets in the city of Elmira. Order to show cause.

Information having been laid before the Commission that Ansel Y. Fox was operating a stage route or bus line upon and along certain streets in the city of Elmira without the consent of the local authorities and without a certificate of public convenience and necessity, and in violation of the provisions of sections 25 and 26 of the Transportation Corporations Law, an order was issued March 9, 1916, directing the said Fox to show cause why he should not be proceeded against under section 57 of the Public Service Commissions Law. A hearing was held in the city of Elmira April 1, 1916, as a result of which the Commission on the 20th day of April, 1916, directed Counsel to the Commission to commence such proceedings against said Fox, and said proceedings have accordingly been commenced. It is therefore

Ordered: That this case be and the same hereby is closed on the records of the Commission.

[Case No. 5491]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CARPENTER'S BUS LINE, Inc., under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Carthage.

Upon the verified petition herein, and upon the facts found and for the reasons stated in the accompanying opinion, this Commission hereby certifies that public convenience and necessity require the operation by Carpenter's Bus Line, Inc., of a stage route by auto busses as provided by the consent granted by the mayor and common council of the City of Watertown on the 24th day of March, 1916, a copy whereof is attached to the petition herein, over the following streets in said city: Public Square, State street, Eastern boulevard, Water street, a small section of Pearl street as far as Factory street, and Factory street to Public Square. Said stage route is to be operated only as a part of a line from said city of Watertown to the incorporated village of Carthage and intermediate points, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5529]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the OTSEGO AND HERKIMER RAILROAD COMPANY, pursuant to the provisions of Article III of the General Corporation Law, to change its name to Southern New York Power and Railway Corporation.

On reading and filing the petition entitled as above, and on reading the proposed petition to the Supreme Court in said matter, and after hearing counsel, it is

Ordered: That the petition to the Supreme Court, copy of which is attached to the petition to this Commission, of the Otsego and Herkimer

Railroad Company dated April 21, 1916, and entitled as follows: "In the matter of the application of the OTSEGO AND HERKIMER RAILROAD COMPANY, pursuant to the provisions of Article III of the General Corporation Law, to change its name to Southern New York Power and Railway Corporation," is under section 60 of the General Corporation Law hereby approved by this Commission; that evidence of such approval be annexed to said petition.

Further Ordered: That the *Oneonta Star* newspaper, published at Oneonta, in the county of Otsego, State of New York, said county being the county where said corporation has its only business office, is hereby designated as the newspaper in which notice of said petition to the Supreme Court shall be published once a week for three successive weeks, in accordance with the provisions of section 62 of the General Corporation Law.

STATE OF NEW YORK — SUPREME COURT
OTSEGO COUNTY

In the matter of the Application of the OTSEGO AND HERKIMER RAILROAD COMPANY, pursuant to the provisions of Article III of the General Corporation Law, to change its name to Southern New York Power and Railway Corporation.

To the Supreme Court of the State of New York:

The petition of the Otsego and Herkimer Railroad Company for leave to change its name and to assume the corporate name "Southern New York Power and Railway Corporation," which petition is annexed hereto, is hereby approved by the Public Service Commission, Second District, State of New York. The *Oneonta Star* newspaper, published at Oneonta, in the county of Otsego, State of New York, said county being the county where said corporation has its only business office, was designated by the Commission (as shown by certified copy of order of the Commission of May 2, 1916, hereto annexed) as the newspaper in which notice of the annexed petition for said change of name of said corporation should be published once a week for three successive weeks, in accordance with the provisions of section 62 of the General Corporation Law.

Dated at Albany, N. Y., May 2, 1916.

(SEAL) (SIGNED) FRANCIS X. DISNEY,
Secretary, Public Service Commission, Second District,
State of New York.

[Case No. 2581]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of the TOWN BOARD OF THE TOWN OF NEWSTEAD, and the PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF AKRON, Erie county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to the reconstruction of the Buell street overhead bridge crossing said company's railroad in said town and village.

In the matter of the Petition of the STATE COMMISSIONER OF HIGHWAYS for the rebuilding of the bridge over the tracks of The New York Central and Hudson River Railroad Company, said bridge being located in Buell street, partly in the village of Akron and partly in the town of Newstead, Erie county.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways showing expenditures to an amount of \$23,826.21 in carrying out the Commission's order in the above entitled matter, be and the same is hereby approved, of which said amount the sum of \$22,714.16 (\$750 of which however is to be charged to the State and to the County of Erie) has been expended by the railroad corporation and \$1,112.05 has been expended by the State of New York; the said accounting having been accepted by the railroad corporation, as indicated by the signature of its general attorney; by the State Commission of Highways, as indicated by the signature of the State Commissioner of Highways; and by the County of Erie, as indicated by a letter dated May 1, 1916, from the county engineer.

2. That of the total amount of \$23,826.21 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$11,538.11; the share of the County of Erie is the sum of \$5854.11; and the share of the State of New York is \$6433.99, upon which it is entitled to a credit of \$1112.05, expended by it as aforesaid, leaving as a balance now due and payable by the State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$5321.94; and as a balance now due and payable by the County of Erie to said The New York Central Railroad Company the sum of \$5854.11.

352 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3484]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the PERRY ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for approval of a mortgage and the issue thereunder of \$65,000 of bonds.

The order of the Commission entered herein December 30, 1914, approved of the form of mortgage filed with the Commission on March 21, 1913, as revised by correspondence to the date of the order. It appears that since the date of the order above mentioned and prior to the execution and delivery of the mortgage certain changes were made by the company in the form of the mortgage. These changes were made to clarify possible ambiguities relating to the duties of the trustee. As such revisions were not contained in the mortgage as approved on December 30, 1914, it is now deemed advisable to approve the form of the mortgage as executed and delivered. Now therefore, upon the foregoing record,

Ordered: That the form of mortgage marked "Original counterpart certified by Clerk of Wyoming County," filed herein the 15th day of April, 1915, is hereby approved.

[Case No. 3492]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the HORNELL GAS LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue capital stock and mortgage bonds. Amendatory order.

Under date of August 28, 1913, the Hornell Gas Light Company was authorized to issue \$3100 par value of its capital stock and \$8000 face value of its 5 per cent forty-year mortgage bonds, the former to be sold at not less than the par value thereof and the latter at not less than 90 per cent of the face value thereof, and to use the proceeds realized from such sales for certain specified purposes. Verified reports herein show that of the securities so authorized only \$6000 face value of bonds have been sold; and by letter dated April 29, 1916, signed by its president, the petitioner states that no more securities will be issued in this proceeding and that it is desirous of having the case closed. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order of this Commission herein dated August 28, 1913, is hereby modified and amended to authorize the issuance of only \$6000 face value of 5 per cent forty-year mortgage bonds and the

disposition of the proceeds of such bonds; and the authorization on that date for the issuance of \$3100 par value of capital stock and \$2000 face value of bonds in addition thereto and the disposition of their proceeds is canceled.

2. That this case is hereby closed on the records of this Commission, without prejudice to the right of the petitioner to reopen the same at any future time.

[Case No. 4795]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of INTERNATIONAL RAILWAY COMPANY for leave to issue bonds under its refunding and improvement mortgage.

By order herein dated March 3, 1915, as amended on March 15, 1915, the International Railway Company was authorized to issue and sell at not less than 88 per cent of their face value, \$585,000 face value of its 5 per cent fifty-year refunding and improvement gold bonds, and to use \$500,000 thereof, among other things, for new construction performed and to be performed during the calendar year 1915. All of the bonds so authorized have been sold and expenditures for improvements have been reported during such period to the amount of \$328,860.99, leaving an unexpended balance of \$171,139.01. By petition filed April 3, 1916, in case No. 5496, the International Railway Company prays for authority to use such unexpended balance during the calendar year 1916 for additions and betterments to its property and for other capital purposes. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the sum which still remains to be expended in this proceeding, amounting to \$171,139.01, is hereby transferred to case No. 5496, "In the matter of the petition of International Railway Company under section 55 Public Service Commissions Law for authority to issue \$505,000 in 5 per cent bonds under its refunding and improvement mortgage," and verified reports of the disposition of such unexpended balance shall be filed in that proceeding.

2. That this case is hereby closed on the records of the Commission.

354 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4873]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of THE ULSTER AND DELAWARE RAILROAD COMPANY under section 49 of the Public Service Commissions Law for approval of an increase of its mileage book rate.

The Commission having entered an order in this case on July 6, 1915, denying the application of The Ulster and Delaware Railroad Company for permission to increase its mileage book rate, because the Commission was of the opinion that it had no authority to grant said application in view of the provisions of section 30 of the Railroad Law; and the Commission having provided in said order that in the event that the courts should determine that the Commission had the power to grant an increase in the mileage book rate of the petitioner that it might renew its application for said permission upon the record in this case; and the Commission having entered an order on July 14, 1915, denying the application of The Ulster and Delaware Railroad Company for a rehearing in the above entitled matter for the reasons set forth in the order of July 6, 1915, notwithstanding the Commission was of the opinion that the existing mileage book rate of the petitioner was insufficient to yield reasonable compensation for the service rendered; and said petitioner having appealed from the order of the Commission to the Appellate Division of the Third Judicial Department which decided that the Commission had jurisdiction of said mileage book rates and annulling the orders of the Commission with reference thereto; and the Court of Appeals of the State of New York having affirmed the decision of the said Appellate Division of the Third Judicial Department on May 2, 1916, and the order of the Court of Appeals having been duly entered on May 3, 1916; and the said The Ulster and Delaware Railroad Company having applied to this Commission under date of May 4, 1916, for an order granting its application heretofore made for authority to increase its mileage book rate from two to three cents a mile; and the Commission having granted a hearing to the said petitioner at the office of the Commission in the city of Albany on May 4, 1916, at which time Lewis E. Carr, esq., of Albany, N. Y., and H. H. Flemming of Kingston, N. Y., and Edward D. Coykendall, the president of the company, appeared in its behalf; and after due deliberation, having determined upon the evidence then presented and on the record previously made in this case that the rate charged by The Ulster and Delaware Railroad Company of two cents per mile for mileage book tickets for use on its lines is insufficient to earn reasonable compensation for the service rendered therefor, and that an increase in the rate charged for such tickets by said The Ulster and Delaware Railroad Company from two cents per mile to two and nine-tenths cents per mile will be just and reasonable and not in violation of any provision of the Public Service Commissions Law or any other provisions of the laws of the State of New York; and that such increase in mileage book rates will tend to give said railroad company more nearly a reasonable average return upon the value of the property actually used in the public service and enable it to make proper reservation out of its income for surplus and contingencies, it is hereby

Ordered: 1. That said The Ulster and Delaware Railroad Company be and it hereby is authorized to increase the maximum rate for mileage book tickets for use on its lines from two cents to two and nine-tenths cents per mile, which rate the Commission determines is a just and reasonable rate to

be hereafter observed and enforced as the maximum to be charged for such mileage book tickets for the transportation of persons on the lines of said railroad.

2. That said The Ulster and Delaware Railroad Company be and it hereby is authorized to put such advance rates on mileage book tickets into effect on one day's notice to the public and to the Commission by issuance of proper tariff supplement posted and filed in accordance with the requirements of the Public Service Commissions Law and the Commission's tariff regulations established therefor.

3. Nothing herein contained shall be considered as preventing the Commission from reducing the mileage book rates of the petitioner at any time hereafter if upon investigation it shall determine that the maximum rates herein provided for should be reduced.

4. That the respondent shall notify the Commission within ten days from the date of the entry of this order whether the terms of the same are accepted and will be complied with by it.

[Case No. 4978]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR

Commissioners.

In the matter of the Petition of ROSE TELEPHONE COMPANY of Hobart, Delaware county, under section 101 of the Public Service Commissions Law for ratification of the issuance in 1914 of \$4000 in 5 per cent twenty-year first mortgage bonds.

In accordance with the requirements of ordering clause No. 1 of the order herein dated August 5, 1915, the Rose Telephone Company on March 10, 1916, filed a revised inventory and cost appraisal of its property in service at June 30, 1915. This inventory and appraisal has at the direction of the Commission been examined by its telephone engineer, who in his report dated March 17, 1916, recommended certain changes in it. These recommendations were brought to the attention of the company, and by letter dated April 20, 1916, it advises that the recommended adjustments were acceptable to it. Now therefore, upon the foregoing record,

Ordered: That the revised inventory and appraisal as of June 30, 1915, of the tangible property of the Rose Telephone Company submitted on March 10, 1916, as amended by the report of the telephone engineer of the Commission dated March 17, 1916, fulfills the requirements of ordering clause No. 1 of the order herein dated August 5, 1915; and the Rose Telephone Company is hereby authorized to substitute the values of tangible property contained in the report last named for those stated in its books of account at June 30, 1915, so that the present book value will be such last named value modified by the legitimate corporate transactions since June 30, 1915.

356 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5353]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of recommendations of this Commission to THE WALTON PEOPLE'S TELEPHONE COMPANY for improvement of service.

The respondent in this case having failed to comply with certain recommendations of the Commission, it was ordered to show cause before the Commission on December 28, 1915, why an order should not be entered requiring the improvements to be made. The hearing was adjourned from December 28, 1915, to January 4, 1916, at which time the respondent appeared by its secretary, Mr. A. G. Patterson. As a result of the hearing, Mr. Patterson agreed that the company would proceed forthwith to comply with the recommendations made by the division of telegraphs and telephones in November, 1915, and to report in writing to the Commission on or before February 1, 1916, what had been accomplished. The company filed its report on January 31, 1916, setting forth what had been done by it. This report of the respondent was not entirely satisfactory to the Commission, and accordingly some further investigation was made by it. The division of telegraphs and telephones has followed the matter actively since that time, and it reports that the service given by the company is now reasonably satisfactory, that the community as a whole has no present grievance so far as the service is concerned, and that the respondent is endeavoring to give the community good service. Under all the circumstances, the company having complied with the requirements of the Commission as directed, it is

Ordered: That the case be and the same hereby is closed on the records of the Commission.

[Case No. 5437]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of GEORGE KATHAN and HENRY PETRIE under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Gloversville, it being proposed that the route shall also be operated between the city of Gloversville and Peck's pond, the Caroga and Canada lakes.

This is an application pursuant to the provisions of chapter 667 of the laws of 1915 for a certificate of convenience and necessity to permit the operation of auto busses over a specified route in the city of Gloversville as a part of a through route between the city of Gloversville and Peck's pond, Caroga and Canada lakes. Affidavits of publication of notice of this application were

filed with the Commission by the petitioners on April 17, 1916. On that date a hearing was held at the office of the Commission in the city of Albany, the petitioners being represented by S. V. V. Littell; Clarence W. Smith appeared for Charles E. Rauster in opposition to the application; W. B. Baker appeared on behalf of the Fonda, Johnstown and Gloversville Railroad Company. An adjournment was taken to May 3, 1916, at the same time and place. The same parties appeared in opposition to the application. It appeared on the hearing that the applicants have a franchise duly granted by the City of Gloversville permitting the operation of an auto bus line over certain streets in the city, and the opposition to the application was due to the fact that Mr. Rauster had previously operated over the same route in the city of Gloversville, going to Canada lake via Johnstown. However, he has no consent from the city as required under the provisions of chapter 667 of the laws of 1915, and therefore is not in a position to successfully oppose this application before the Commission. The petitioners do not intend to carry any local passengers in the city of Gloversville. It appearing that the petitioners have procured the necessary authority from the City of Gloversville as required by the provisions of chapter 667 of the laws of 1915, and the Commission, after due deliberation having determined that said application should be granted, it is hereby certified that public convenience and necessity require the operation by George Kathan and Henry Petrie of an auto bus line in the city of Gloversville, N. Y., upon, along, and over the route set forth in the franchise granted to them by the common council of the City of Gloversville on February 1, 1916; such route to be operated only as a part of a through route from Gloversville to Peck's pond, Caroga and Canada lakes. This certificate is granted subject to all the terms and conditions of the franchise granted by the City of Gloversville, and subject to present and future ordinances of said city, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5490]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue equipment trust certificates for \$1,250,000 under "The New York, Chicago and St. Louis Railroad Equipment Trust of 1916".

Petition filed March 28, 1916; report of division of steam railroads dated April 19, 1916. Now therefore, upon the foregoing record.

Ordered as follows: 1. That The New York, Chicago and St. Louis Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to execute and deliver to a trustee to be hereafter designated, subject to the approval of this Commission, a certain agreement known as "The New York, Chicago and St. Louis Railroad Company Equipment Trust of 1916," the date of which, together with the dates of maturity of the certificates to be issued thereunder and the semiannual dates upon which interest thereon is to be paid, are to be hereafter determined by the petitioner, which agreement will secure an issue of \$1,250,000 face

value of equipment trust certificates which are entitled to interest at the rate of $4\frac{1}{2}$ per cent per annum, and to execute and deliver an agreement of lease, copies of which agreement and agreement of lease are annexed to the petition herein as exhibit K, and that the forms of such agreements are hereby approved.

2. That upon the execution and delivery of said agreement and agreement of lease herein authorized there shall be filed with this Commission verified copies of the same in the form in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement and agreement of lease as executed and delivered are the same as herein approved by this Commission.

3. That The New York, Chicago and St. Louis Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$1,250,000 face value of its $4\frac{1}{2}$ per cent equipment trust certificates under the aforesaid agreement.

4. That the equipment trust certificates herein authorized of a total face value of \$1,250,000 shall be sold for not less than 96 per cent of their face value, to give net proceeds of \$1,200,000, which shall be used solely and exclusively for the purchase of one thousand 80,000-lbs. capacity steel under-frame box cars, provided that the face value of such certificates shall not exceed 90 per cent of the cost to the petitioner of such equipment.

5. That The New York, Chicago and St. Louis Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such certificates were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said certificates have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5496]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 4th day of
May, 1916.**Present:**SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.In the matter of the Petition of INTERNATIONAL RAIL-
WAY COMPANY under section 55 of the Public Service
Commissions Law for authority to issue \$505,000 in
5 per cent bonds under its refunding and improvement
mortgage.Petition filed April 3, 1916; reports of division of capitalization dated
April 15, 1916, and May 3, 1916; hearing held April 26, 1916. Now therefore,
upon the foregoing record,*Ordered as follows:* 1. That the International Railway Company is hereby
authorized, pursuant to the provisions of section 55 of the Public Service
Commissions Law, to issue \$505,000 face value of its 5 per cent fifty-year
refunding and improvement mortgage gold bonds, under a certain indenture
given to the Bankers Trust Company of New York as trustee, dated the first
day of November, 1912, to secure an authorized issue of a total face value
of \$60,000,000.2. That said bonds of the total face value of \$505,000 shall be sold for not
less than 88 per cent of their face value and accrued interest, to give net
proceeds of \$444,400.3. That said bonds of the total face value of \$505,000 so authorized, or the
proceeds thereof, shall be used solely and exclusively for the following
purposes:(a) To refund car trust certificates maturing during the year 1916, as
follows:

March 1	\$12,000	
June 15	30,000	
September 1	13,000	
		\$55,000.00

(b) For estimated expenditures for additions and betterments during the calendar year 1916 as detailed in schedule A attached to the petition herein; or in the event of any necessary change or changes in the present plans of the petitioner, for expenditures for additions and betterments to its road and equipment other than those listed in such schedule which are properly capitalizable.	621,618.00
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\$676,618.00

Total face value of bonds herein authorized. \$505,000.00

Plus unexpended proceeds of bonds authorized in case No.
4795 for proposed capital expenditures, transferred
hereto by order in that proceeding of even date here-
with

171,139.01 676,139.01

Amount unprovided for. \$478.99

in so far as the same may be applicable, provided (1) that such bonds or the
proceeds thereof shall be applied on the construction described in subdivision
(b) hereof only in so far as the same is a real increase in the fixed capital
of the petitioner and not a replacement of any part of such fixed capital or
substitution for wasted capital or other loss properly chargeable to income,
in accordance with the definitions contained in the Uniform System of
Accounts for Street Railroad Corporations adopted by this Commission;
(2) that there shall be no charges to fixed capital on account of services or
engineering in connection with such construction or other improvements to
the road and equipment of the petitioner except in so far as the same shall

not be performed by the regular officers and employees of the company or by such officers and employees who have been especially assigned to such construction work.

4. That if the said bonds of a total face value of \$505,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$505,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the International Railway Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

6. That the International Railway Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivision (a) of ordering clause No. 3 herein there shall be shown the amount expended therefor during such period, and stating to what account or accounts such expenditures have been charged; (f) with respect to subdivision (b) of ordering clause No. 3 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized, and to what account or accounts under the Uniform System of Accounts for Street Railroad Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for such purposes during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds thereof accounted for in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

The New York Central Railroad Company, by letter dated April 25th from its chief engineer; and the City of Ogdensburg, as shown by a filed certified copy of a resolution passed by the common council on May 2, 1916, having requested that the Concrete-Steel Engineering Company of New York be employed to prepare all designs, detail plans, and specifications, and to act as supervising engineer for the railroad corporation on the construction of the viaduct to be erected pursuant to the Commission's order of March 21, 1916, for the sum of two thousand dollars (\$2000); and said sum appearing to the Commission to be just and reasonable for the services to be performed, it is

Ordered: That the proposal to employ said Concrete-Steel Engineering Company for the purposes herein set forth, the compensation therefor to be two thousand dollars (\$2000), be and is hereby approved.

This order is not intended and shall not be construed to bind the State of New York or The New York Central Railroad Company to any financial obligation greater than or different from that which is expressly set forth and provided in the aforesaid order of the Commission of March 21, 1916.

[Case No. 5187]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of HORNELL-ALLEGANY TRANSPORTATION COMPANY *against* LEWIS S. BEYEA of Alfred, Allegany county, alleging that he is unlawfully operating a stage route or bus line.

The Hornell-Allegany Transportation Company filed a complaint with this Commission on September 4, 1915, alleging that Lewis S. Beyea was operating a bus line over the same route as the complainant, and requesting this Commission to take action in the premises. The respondent, Lewis S. Beyea, filed an answer with the Commission on September 29, 1915, denying that he operated any bus line between the points mentioned in the complaint. The Commission notified the respondent Beyea that it would be necessary for him to

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comply with the provisions of chapter 667 of the laws of 1915 if he intended to operate a bus line in the city of Hornell, and he advised the Commission that it was proposed so to do. However, since that time the Commission has received no further advices from the complainant or respondent regarding this complaint, excepting that the attorney for the respondent Beyea has notified the Commission that the said Beyea has effected some working arrangement with a competing bus line so that there seems to be no reason why the case should not be closed. Under all the circumstances, it appearing that neither of the parties are desirous of prosecuting the matter any further and that there is nothing in this case requiring action by the Commission at the present time, it is

Ordered: That the case be and the same hereby is closed upon the records of the Commission.

[Case No. 5493]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the NIAGARA FALLS POWER COMPANY under section 70 of the Public Service Commissions Law for authority to acquire \$2,500,000 capital stock of the Canadian Niagara Power Company, proposed to be issued.

Petition filed March 30, 1916; copy of articles of incorporation of the Canadian Niagara Power Company filed April 24, 1916; financial statements of the petitioner as of March 31, 1916, filed April 24, 1916; financial statements of the petitioner as of December 31, 1915, with copy of charter of company dated April 23, 1891, with amendments, filed April 28, 1916; statement showing additional details of past expenditures filed May 1, 1916; report of division of capitalization dated May 5, 1916. The application herein of the Niagara Falls Power Company is for authority, under section 70 of the Public Service Commissions Law, to acquire \$2,500,000 par value of the capital stock of the Canadian Niagara Power Company, the entire issued capital stock of which company it now owns with the exception of twenty-five directors' qualifying shares. By agreement dated December 1, 1910, between the applicant herein and the Canadian Niagara Power Company, the latter agreed to make certain additions and betterments to its plant for which the petitioner agreed to advance the required funds and accept in payment therefor debentures or shares of capital stock of the said Canadian Niagara Power Company. To December 31, 1915, according to verified reports filed in cases Nos. 1436 and 2957, in which cases the Niagara Falls Power Company was authorized to issue securities and use the proceeds thereof for said construction work, such advances totalled approximately \$1,500,000. From the petition in this proceeding it appears that to February 29, 1916, the Niagara Falls Power Company had advanced approximately \$200,000 more for that purpose, and according to the petition an additional amount of approximately \$1,000,000 will be required to complete the additions and betterments which are planned. These advances are now in the form of a running open account between the two companies, on which interest at the rate of 6 per cent per annum is charged and paid. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law the Niagara Falls Power Company is

hereby authorized to acquire and hold additional capital stock of the Canadian Niagara Power Company of the par value of \$2,500,000, in payment at par for advances made and to be made for additions and betterments to the plant of that company.

2. That the Niagara Falls Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing what stock of the Canadian Niagara Power Company has been acquired under the authority of this order and the date of such acquisition. Such reports shall continue to be filed until the Niagara Falls Power Company acquires all of the stock of the Canadian Niagara Power Company which it is herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5512]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES U. CARR,

Commissioners.

In the matter of the Complaint of WAHL PRINTING AND BINDING COMPANY, INC., of Niagara Falls, Niagara county, N. Y., *against* NIAGARA FALLS GAS AND ELECTRIC LIGHT COMPANY, asking that the company extend its main in streets to a point opposite the building of complainant and furnish complainant with gas.

This complaint having been served on the Niagara Falls Gas and Electric Light Company with instructions to answer in twenty days, and before the end of the twenty days complainant having withdrawn the complaint, stating in letter of withdrawal that "This company has advised us that they would comply with our demands in a satisfactory manner to all concerned," it is

Ordered: That the complaint is hereby closed on the records of this Commission as satisfied.

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[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie railroad in the city of Jamestown.

The Erie Railroad Company having submitted original bids received for the manufacture and delivery f. o. b. cars Brooklyn of the gas pipe railing to be erected on the walls and abutments west of Main street, as shown by detail plans heretofore approved by the Commission, and requested that approval be given to the bid of the Vulcan Rail and Construction Company of \$997, the lowest bid received, it is

Ordered: That the lump sum proposal of the Vulcan Rail and Construction Company of \$997, time of delivery to be ten days, as shown upon the original bidding sheet dated March 30th, be and the same is hereby approved by this Commission.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

The general plan approved by and under the determination of the Commission of July 30, 1912, herein, provides that the grade of West Second street be carried under the revised grade of the railroad, and that the street surface within the limits of the approach grades be depressed to conform to certain specified rates of grade. A portion of the street, about ten feet wide, opposite and immediately adjacent to the building of the Chautauqua Storage and Transfer Company was however according to said plan to remain at its present elevated surface, ramp approaches on either side furnishing access thereto, the elevated portion of the street together with the ramps to be retained by masonry walls. The Erie Railroad Company has now entered into a contract with the Chautauqua Storage and Transfer Company, said contract however being conditioned upon its approval by the City of Jamestown and by this Commission, by the terms of which it is proposed to omit the elevated roadway and ramp approaches and to change the character

of construction so as to provide for a partial reconstruction of the building of the Chautauqua Storage and Transfer Company at an estimated cost of about \$1985, and for a depression of the entire street surface to the proposed new grade of the street. On March 13, 1916, the common council of the City of Jamestown passed a resolution, a certified copy of which has been filed with the Commission, approving said contract; and a petition dated March 22, 1916, asking for a similar approval by this Commission, has been presented by the Erie Railroad Company. It appears that the Chautauqua Storage and Transfer Company will under the plan heretofore approved make claim for damages to its structure and business in amount of \$7000. No claim for damages will however be made under the proposed revised plan against the Erie Railroad Company or the City of Jamestown, said Chautauqua Storage and Transfer Company by the terms of the contract agreeing to release all such claims. The contract however contains no provision similarly releasing the State of New York. The Commission's investigation of the matter further shows that in addition to the saving effected by the removal of said claim, the cost of construction will be decreased and damages to property adjacent to the building of the Chautauqua Storage and Transfer Company, if there be such, will be either unaffected or as stated in the petition, decreased. Therefore

Ordered: That the contract herein referred to bearing date March 22, 1916, and such changes in construction as may be necessary to carry out the terms thereof, be and are hereby approved; upon the express condition nevertheless that the Chautauqua Storage and Transfer Company shall forthwith execute and file with this Commission a proper and sufficient release to the State of New York and to this Commission, approved as to its form and sufficiency by this Commission, of all damages and claims or demands whatsoever because of the change of grade or location of West Second street, or otherwise, on account of these proceedings; until the filing and approval of which release this order shall be of no effect.

[Case No. 3342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY for authority to issue stocks and bonds secured by a first mortgage, pursuant to section 69 of the Public Service Commissions Law.

Amendatory
order.

By order herein dated July 28, 1914, The Depew and Lancaster Light, Power and Conduit Company was authorized among other things to issue and sell at not less than 80 per cent of their face value \$90,500 of its 5 per cent forty-year first mortgage gold bonds, and to use certain of the proceeds thereof, amounting to \$19,947.99, for legal and other expenses of reorganization, materials and supplies, and working capital. As a result of the examination by the Commission's representative of the accounts and property of the company in connection with a subsequent application (case No. 5300), it has been shown that instead of using \$12,904.12 of proceeds from the sale of bonds authorized herein for the above mentioned purposes, that amount had been expended for additions and betterments to the petitioner's fixed

capital, for which purpose it had not been authorized. By its application in case No. 5300, filed on November 23, 1915, as amended on March 15, 1916, the petitioner asks that the Commission approve *nunc pro tunc* the aforesaid expenditure of proceeds for unauthorized purposes; and by memorandum dated May 8, 1916, it states that it will set aside from the proceeds of bonds which are applied for in case No. 5300 a special fund amounting to \$12,904.12 which will be used only for the purposes for which a like amount was originally authorized in this case, namely for legal and other expenses of reorganization, materials and supplies, and working capital. Now therefore, upon the foregoing record,

Ordered: That the expenditure by The Depew and Lancaster Light, Power and Conduit Company of proceeds amounting to \$12,904.12 realized from the sale of 5 per cent forty-year first mortgage gold bonds heretofore issued and sold, by order herein dated July 28, 1914, for additions and betterments to its fixed capital instead of for legal and other expenses of reorganization, and working capital, for which purposes such security proceeds had been authorized in ordering clause No. 3, subdivisions b and c of such order, is hereby ratified and approved *nunc pro tunc*.

Finally it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4252]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an order determining that the crossing at grade of the Albany and Susquehanna railroad, leased to and operated by The Delaware and Hudson Company, by a highway known as state route No. 7, section 4, in the town of Bainbridge, Chenango county, shall be changed from grade.

The Delaware and Hudson Company having submitted and asked for the approval of a proposal received in response to its invitation to contractors to bid on the construction and paving of the roadway on the approaches and in the subway of an undergrade crossing constructed in compliance with the Commission's order and approved plans herein, and a similar request by the State Commission of Highways for such approval having been made, the total of said bid being \$560 below the engineer's estimate of the cost covering the work to be performed, it is

Ordered: That the unit price proposal by S. J. Bennett for the various classes of work to be done to construct said highway pavement in accordance with approved plans and specifications, the bid being shown on a proposal sheet dated April 24, 1916, be and it is hereby approved.

[Case No. 4465]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in the crossing of the Rensselaer and Saratoga railroad, leased to and operated by The Delaware and Hudson Company, by state highway route No. 37-B, in the town of Ballston, Saratoga county.

The Delaware and Hudson Company having submitted and asked for the approval of the one proposal received in response to its invitation to several contractors to bid on the construction and paving of a re-located highway to be built in accordance with the Commission's order and approved plans herein, and a similar request by the State Commission of Highways for such approval having been made, the total of said bid being about \$1166 below the engineer's estimate of the cost covering the work to be performed, it is

Ordered: That the unit price proposal of John B. Dower for the various classes of work to be done to construct said highway in accordance with approved plans and specifications, the bid being shown on a proposal sheet dated April 26, 1916, be and it is hereby approved.

[Case No. 4676]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NASSAU AND SUFFOLK LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to make a mortgage for \$5,000,000, and to issue \$1,172,000 in 5 per cent bonds secured by said mortgage.

By orders herein dated January 28, July 1, and September 30, 1915, the Nassau and Suffolk Lighting Company was authorized to issue \$970,000 face value of its 5 per cent thirty-year first mortgage bonds, and \$40,500 par value of its common capital stock, and to use proceeds realized from the sale of the former at not less than 85 per cent of their face value and the latter at not less than the par value thereof for certain purposes as set forth in such orders. According to the verified report dated April 17, 1916, filed by the petitioner, the proceeds realized to December 31, 1915, from the sale of such securities amounted to \$856,100, and expenditures thereof to that date for

authorized purposes have been made to the amount of \$793,031.06: leaving an unexpended balance on hand at January 1, 1916, of \$63,068.94. By supplemental petition filed herein on April 29, 1916, the petitioner asks for authority to utilize for additional working capital \$50,000 of the proceeds of the securities which were herein authorized to be used for purposed construction work. Now therefore, after due deliberation,

Ordered: 1. That the Nassau and Suffolk Lighting Company is hereby authorized to utilize for the acquisition of property, namely additional working capital, \$50,000 of the proceeds realized from the sale of securities heretofore authorized in this proceeding for other purposes, provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

2. That the authority contained in this order to use proceeds of securities heretofore authorized is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are used pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4872]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Complaint of ROBERT E. HARBECK of the town of New Hudson, Allegany county, *against* THE PENNSYLVANIA RAILROAD COMPANY and the GENESEE RIVER RAILROAD COMPANY (Erie Railroad Company) as to flooding complainant's farm.

After due hearing and deliberation, and for reasons stated in the opinion of the Commission of this date,

Ordered: That this complaint is hereby dismissed.

[Case No. 5088]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration of the crossing at grade of a state highway and the Delaware, Lackawanna and Western railroad near D., L. & W. Junction, in the town of Pavilion, Genesee county.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer upon detail plans for the abutments and plans and specifications for the superstructure required to be erected pursuant to the determination of the Commission in the matter above entitled; and upon the approval of the State Department of Highways as similarly indicated by the approval signatures of its First Deputy Commissioner and its Secretary; it is

Ordered: That detail masonry plan dated September 22, 1915, last revision March 15, 1916; bridge plan dated December 15, 1915; and specifications covering materials, workmanship, and design of the bridge be and are hereby approved.

[Case No. 5118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over said company's railroad in the city of Poughkeepsie.

This petition was presented to the Commission by the Central New England Railway Company with the knowledge of the authorities of the City of Poughkeepsie, the Board of Public Works of said city on August 15, 1912, having passed the following resolution:

Resolved, That inasmuch as the bridge over the railroad track on North Clinton street belonging to the Central New England Railway Company is in a dangerous condition, the Central New England Railway Company is directed to renew it; and it is

Further Resolved, That the clerk send a copy of this resolution to the Public Service Commission.

It further appears that some time during September, 1915, the Board of Public Works of the city passed the following resolution:

Resolved, That this Board determines that it is necessary that a new bridge over the Central New England at its intersection at North street shall be built, which shall provide a roadway thirty feet wide and a sidewalk on each side five feet wide, and that the Central New England Railway is directed accordingly.

The Central New England Railway Company subsequent to the passage of these resolutions prepared plans for a reconstruction of the overgrade bridges at North street and North Clinton street, submitting the same to the proper authorities of the city, whose suggestions as to width, character of construction, etc., were embodied in the final plans, prints of which are on file with the Commission.

At a hearing given by the Commission on October 1, 1915, the city engineer testified that the city believed that the bridges should be rebuilt as a matter of public safety, and at a subsequent hearing on October 4th an engineer for the applicant testified that the bridges were in a precarious condition. It appears that the City of Poughkeepsie assumed that the cost of the construction of said two bridges would be borne entirely by the railway company and that the city would incur no financial responsibility on account thereof, and at the final hearing on November 8th the city desired to be recorded as being opposed to the granting of the petition unless the entire expense shall be paid by the railway company, conceding however that either the existing structures should be strengthened or new ones built. The bridges embraced in the petition are composed largely of timber, and have served their purpose probably longer than is usually and reasonably anticipated for structures of their kind. The city, as shown by resolutions of its Board of Public Works herein quoted, and the railway company are in agreement as to the requirements of public safety. Repairs made now would be but temporary in character and only serve to put off for but a short time the day when entire reconstruction will have become necessary.

The statute, section 94 of the Railroad Law, bearing upon this situation is as follows:

Whenever a change is made as to an existing crossing or structure in accordance with the provisions of section ninety-one of this chapter, fifty per centum of the expense thereof shall be borne by the railroad corporation, twenty-five per centum by the municipal corporation and twenty-five per centum by the State; except that whenever an existing crossing in which a change is made under the provisions of section ninety-one, is located wholly or partly within an incorporated village having not to exceed twelve hundred inhabitants, the portion of expense herein required to be borne by the municipal corporation shall be borne by the town or towns in which such crossing is situated.

The Central New England Railway Company has agreed with the Commission that it shall not be limited to its statutory share of the cost (one-half of the total) of the reconstruction work aforesaid, and has agreed to pay the entire expense of such reconstruction (including all costs, expenses, and damages whatsoever on account of such work and on account of the taking of any lands, rights, or easements which may be necessary and required in the premises) in excess of \$29,000. In view of the facts and considerations herein set forth, this Commission is of the opinion that public safety requires that the bridges be reconstructed, and it is therefore

Ordered: 1. That the petition be and is hereby granted, and that the existing bridges carrying North street and North Clinton street over the grade of the Central New England Railway be reconstructed by the removal of the old structures and the substitution therefor of steel bridges carrying solid floors.

2. The bridge to be built at North street shall have a clear width of thirty feet on the roadway and two sidewalks each of an approximate clear width of five feet. The structure shall be in three spans, and details of construction shall be substantially as shown upon a print on file with this Commission entitled "Central New England Railway, Main Line — Hartford to Maybrook, Bridge No. 110.58, North St., .43 mile west of Poughkeepsie Jct., N. Y., April 30, 1915. Revised May 25, 1915. Revised July 12, 1915". The bridge to be built at North Clinton street shall have a clear width of thirty-three and one-half feet on the roadway and two sidewalks each of an approximate clear

width of thirteen feet three inches. The structure shall be in one span, and other details of construction shall be substantially as shown upon a print on file with this Commission entitled "C. N. E. Ry., Hospital Branch, Bridge No. 0.57, North Clinton St., 0.57 mi. south of North St., Poughkeepsie, N. Y." said map, undated, being marked for further identification as Exhibit A. The revised approaches to both bridges shall be constructed to at least the full combined widths of the roadways and sidewalks on each street. On North street the revised grade of the street shall descend toward the railroad from the north at the rate of 1.9 per cent, this grade continuing across the bridge to approximately the southerly abutment, where by means of a vertical curve the descending rate of grade shall be increased to 6.75 per cent, at which rate it shall continue to an intersection with the street surface as it exists at the present time.

3. That the headroom over the tracks of the railway company shall be not less at either crossing than that provided by the present bridges.

4. That provision be made on the new North Clinton Street bridge for a single track of the electric railroad now operating over the existing bridge.

5. That so far as may be practicable steel structural material now stored by the railway company and removed from railroad bridges which have been replaced, rebuilt, or reinforced may be used in the manufacture of the two bridges covered by this order; such material shall however be used only provided inspection by the engineers for this Commission and a representative of the City of Poughkeepsie shows it to be in such condition as to make its use proper and satisfactory for the purpose.

6. That in pursuance of its consent and agreement aforesaid, the Central New England Railway Company is not to be limited to its statutory share of the cost (one-half of the total) of the reconstruction herein provided for and authorized, but shall pay and discharge the entire expense of such reconstruction (including all costs, expenses, and damages whatsoever on account of the construction and work herein authorized, and of the taking of any lands, rights, or easements which may be necessary and required in the premises) in excess of twenty-nine thousand dollars (\$29,000); this order being granted upon the express condition that no financial liability or obligation on account of the construction and work herein provided for and authorized in excess of seven thousand two hundred and fifty dollars (\$7250), one-quarter of said sum of twenty-nine thousand dollars (\$29,000), shall attach to or fall upon the State of New York; and similarly that no such financial liability or obligation shall attach to or fall upon the City of Poughkeepsie; and that no part of the cost of such work and construction or of any expenses incidental thereto in excess of twenty-nine thousand dollars (\$29,000) shall be a charge upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise, or shall be a charge upon the City of Poughkeepsie. The intent and meaning of this order being that the total joint cost of such reconstruction to the City of Poughkeepsie and the State of New York shall not exceed fourteen thousand five hundred dollars (\$14,500), that is to say, the sum of seven thousand two hundred and fifty dollars (\$7250) as a maximum to each, and that all other costs of whatsoever nature and to whatsoever amount shall be charged against and paid by the Central New England Railway Company.

372 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5293]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

Petition of FULTON LIGHT, HEAT AND POWER COMPANY under section 70 of the Public Service Commissions Law as to assignment to it of a franchise for constructing electric lines in the town of Lysander, Onondaga county; and under section 68 of the Public Service Commissions Law for permission to construct, and approval of exercise of rights and privileges under said franchise.

Application of Fulton Light, Heat and Power Company for permission to take over by assignment from Robert J. Pendergast a franchise granted November 6, 1915, by the town authorities of the Town of Lysander, Onondaga county, New York, and for permission to construct lines and distribution systems and to exercise said franchise. Hearing held at the courthouse in the city of Syracuse January 31, 1916. Gannon, Spencer & Michell, by W. P. Gannon, and Geo. C. Warner and R. J. Pendergast for petitioner. Costello, Burden, Cooney and Walters, by Mr. Cooney and Mr. Walters, and E. M. White and Warren Tubbs for Seneca River Power Company and Oswego River Power Transmission Company. James C. DeLong for Syracuse Lighting Company. Paul Andrews for Empire State Gas and Electric Company. This application was opposed by the Seneca River Power Company and the Oswego River Power Transmission Company on the ground that they were exercising franchises in the town of Lysander, and that if this application should be granted by the Commission it would permit the Fulton Light, Heat and Power Company to compete with said companies in the town of Lysander. It transpired on the hearing that the Fulton company proposed to construct a line pursuant to the provisions of the franchise so as to enable it to connect its plant at Fulton with the plant of the Phoenix Gas and Electric Company at Phoenix, N. Y., and thus dispose of surplus power to the Phoenix company. Incidentally, the Fulton company expected to distribute and sell electric energy for commercial purposes along the route over which it proposed to construct its lines from Fulton to Phoenix. It appeared that the Fulton company could connect its plant with the plant of the Phoenix company by building its lines across the northeastern portion of the town of Lysander, and that if such a line should be built for transmission purposes only it would not interfere with the business of the other companies in the town of Lysander. It was therefore arranged at the hearing that a stipulation should be entered into by all the parties interested, providing that the application of the Fulton company for permission to build such a line would not be opposed in the event that the Fulton company would agree not to undertake to distribute electric energy in the town of Lysander, and that it should withdraw the present application for permission to exercise a franchise in said town. Pursuant to the agreement made at the hearing, the interested parties having filed with this Commission a stipulation duly executed which sets forth the understanding arrived at upon the hearing, and no further action being required by the Commission upon the application heretofore made for permission to exercise the franchise granted by the town authorities of the Town of Lysander on November 6, 1915, it is

Ordered: That the application be and the same hereby is dismissed and the case closed upon the records of this Commission.

[Case No. 5300]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$22,200 in first mortgage 5 per cent forty-year gold bonds under an existing mortgage.

Petition filed November 23, 1915; report of division of capitalization dated February 8, 1916; report of gas engineer dated March 2, 1916; report of electrical engineer dated March 10, 1916; supplemental petition filed March 15, 1916; final report of division of capitalization dated April 20, 1916; company's answer to final report of division of capitalization filed May 8, 1916. By order of April 28, 1914, in case No. 3342, The Depew and Lancaster Light, Power and Conduit Company was authorized among other things to issue and sell at not less than 80 per cent of their face value, \$90,500 face value of 5 per cent forty-year first mortgage gold bonds, and to use certain of the proceeds thereof amounting to \$19,947.99 for legal and other expenses of reorganization and for working capital. It appears that to November 30, 1915, the company had expended for these purposes the sum of \$13.45 which is properly chargeable to legal expenses. There still remains to be expended \$19,934.54. At the present time there are unissued \$2500 face value of bonds, which when sold will realize proceeds of \$1960 which must be used for the above purposes by the company. In addition to this amount the company had cash on hand on November 30, 1915, of \$5070.42: \$7030.42, which under the circumstances must be considered as having been received from the sale of securities, and after reserving this sum for the legal expenses and working capital specified in that order there will remain \$12,904.12, of proceeds realized from the sale of securities which apparently have been expended for additions and betterments; whereas, according to the terms of the order, such proceeds were to be used for working capital and for the payment of legal expenses incident to the reorganization. It is desirable therefore to authorize in this proceeding the issuance of bonds to replenish such sum so expended, it having been determined upon examination as hereinafter stated that this sum so expended is properly capitalizable. Furthermore, in connection with this application an examination of the accounts and property of the company was made by the division of capitalization and the electrical and gas engineers of the Commission, and the company has agreed to adjust its accounts in accordance with the recommendations resulting from such examination, which are contained in the final report of the division of capitalization dated April 20, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated April 20, 1916, which on May 3, 1916, was sent to the corporation, such entries being listed in schedule IV, page 9 thereof, shall be entered upon the books of The Depew and Lancaster Light, Power and Conduit Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$30,600 face value of its 5 per cent forty-year first mortgage gold bonds under a certain indenture dated the first day

of August, 1914, given to The Fidelity Trust Company of Buffalo as trustee, to secure an authorized issue of a total face value of \$1,000,000.

3. That said bonds of the total face value of \$30,600 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of \$24,480.

4. That said bonds of the face value of \$30,600 so authorized, or the proceeds thereof to the amount of \$24,480, shall be used solely and exclusively for the following purposes:

(a) For legal and other expenses of reorganization and working capital. for which bond proceeds were authorized to the amount of \$19,947.99 by ordering clause No. 3, subdivisions (b) and (c) of order in case No. 3342, dated July 28, 1914, proceeds of that amount not being used for those purposes in that proceeding but for additions and betterments to the fixed capital of the petitioner as authorized by order therein of even date herewith.	\$12,904.12
(b) To be applied toward the payment and discharge of "Other Accounts Payable" outstanding at November 30, 1915, or their renewals, amounting to \$14,548.31.....	11,575.88
	<hr/> \$24,480.00

5. That if the said bonds of a total face value of \$30,600 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$24,480, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Depew and Lancaster Light, Power and Conduit Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That The Depew and Lancaster Light, Power and Conduit Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for each of the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

8. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission, unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

9. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5337]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of EDWARD S. AGOR
against THE NEW YORK CENTRAL RAILROAD COMPANY,
asking an order directing that said company start
and run cars for the transportation of passengers and
property at regular times over the Mahopac Falls
railroad, and establish and maintain proper and
necessary stations on said railroad.

Upon the facts alleged in the complaint and answer and admitted on the
hearing herein, and for the reasons stated in the accompanying opinion, it is

Ordered: 1. That The New York Central Railroad Company be and is
hereby directed and required to install on or before June 1, 1916, and there-
after continue to provide passenger service on what was formerly known as
the Mahopac Falls railroad between Mahopac Falls and Baldwin Place.

2. That such service shall consist of a minimum of accommodation for
passengers by one morning train southbound from Mahopac Falls and one
evening train northbound to Mahopac Falls, connecting each with a regular
passenger train on the Putnam division of the New York Central in such
manner as to afford reasonable through service between Mahopac Falls and
New York city and intermediate points.

3. That in lieu of such service The New York Central Railroad Company
may if it sees fit afford substantially similar service by way of Baldwin Place
and in connection with trains on its Harlem division.

4. That after the lapse of one year after the taking effect of this order
The New York Central Railroad Company may apply to the Commission for
permission to discontinue such service upon showing that there is no longer
any substantial demand therefor or that equivalent and sufficient service is
or may be otherwise provided.

5. That The New York Central Railroad Company notify the Commission
on or before the 20th day of May, 1916, as to its acceptance of this order.

376 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5311]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of **SENECA RIVER POWER COMPANY** under section 68 of the Public Service Commissions Law for permission to construct an electric plant and lines in the town of Lysander, Onondaga county, and for approval of the exercise of rights and privileges to use highways and public places under a franchise received from the town.

Petition filed November 22, 1915. Proof of publication of notice of application filed December 8, 1915. Hearing held at the courthouse in the city of Syracuse on January 31, 1916.

Appearances: E. M. White and Costello, Burden, Cooney and Walters, by Mr. Cooney and Mr. Walters, for Seneca River Power Company and Oswego River Power Transmission Company; Gannon, Spencer & Michell, by W. P. Gannon, and George Coffing Warner for Fulton Light, Heat and Power Company; James C. DeLong for Syracuse Lighting Company; and Paul Andrews for Empire State Gas and Electric Company.

The petitioner seeks permission to exercise a franchise in the town of Lysander, Onondaga county, New York, which was granted by the town board and the town superintendent of highways of said town on November 18, 1915. The Oswego River Power Transmission Company is now exercising a franchise in said town under which it transmits and distributes electricity, but by reason of its relations with the Seneca River Power Company it does not oppose this application. It developed on the hearing that the Oswego River Power Transmission Company had begun the construction of a pole line in a certain portion of the town of Lysander covered by this application, such work having been commenced shortly after the franchise was granted and for the apparent purpose of intrenching itself along a particular route for which a franchise had been granted to the Fulton Light, Heat and Power Company. The last named company made application to the Commission for permission to exercise its franchise and a hearing thereon was held just prior to the hearing in the present case. It was evidently the intention to turn over the line constructed by the Oswego River Power Transmission Company to the Seneca River Power Company if and when authority was obtained by the Seneca River Power Company to exercise the franchise in the town of Lysander. The action herein referred to on the part of the companies involved was due to the fact that there has been heretofore a certain amount of friction between the Seneca River Power Company and the Oswego River Power Transmission Company on the one hand, and the Fulton Light, Heat and Power Company on the other. There now appearing to be no reason why the application should not be granted, and the Commission having determined that public convenience and necessity require the exercise of the franchise granted by the authorities of the Town of Lysander on November 18, 1915, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Seneca River Power Company to construct, maintain, and operate an electric plant with transmission and distribution lines in the town of Lysander, Onondaga county, New York, and to exercise all the rights and privileges set forth in the franchise granted to it by the authorities of said town on November 18, 1915.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5355]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, second
District, held in the city of Albany on the 16th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of T. S. ASHMEAD ET AL. under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of stage routes by auto busses in the city of Rochester. Also petition of George Grautman and seven others for similar certificates.

Application having been made by T. S. Ashmead and others in the city of Rochester for certificates of public convenience and necessity to operate jitneys in the said city on certain specified routes; and the New York State Railways, the corporation now supplying electric street railway transportation in the city of Rochester, having appeared in opposition to the granting of such certificates; and a series of public hearings on said applications having been held in the city of Rochester, at which said hearings testimony was presented on behalf of and in opposition to the granting of the said applications; and contemporaneously with the said hearings and subsequent thereto the Commission having directed its electric railroad inspector, Mr. Charles R. Barnes, to make an exhaustive investigation into the traffic conditions in the city of Rochester and to report thereon with all convenient speed, setting forth all facts in relation to the existing street railway service, the proposed jitney service, and the improvements which in his judgment might be inaugurated in the present street railway service in order to render such service ample to the needs of the city of Rochester; and the said Charles R. Barnes, electric railroad inspector, having completed his investigation as aforesaid, and having filed his report thereon under date of April 19, 1916; and the Commission having given very careful consideration to the testimony and arguments presented at the hearings aforesaid and to the statements of fact and recommendations contained in the said report; and having, after personal inspection of traffic conditions in the city of Rochester, reached the following conclusions in respect to the issues involved in these applications: (1) That while the service now furnished by the New York State Railways in the city of Rochester compares favorably with that of other cities of similar size, it does not meet all of the reasonable requirements of the traveling public. With necessary improvements in its system, however, the Commission believes that the New York State Railways could furnish transportation to the people of Rochester which would be reasonably adequate to the needs of the city. (2) That while a jitney service such as is proposed by the petitioners, supplementing the present street car service, might result in better transportation conditions in the city of Rochester, assuming that the present street railway service was maintained at its present state of efficiency, yet the Commission is of the opinion that the effect of such jitney service upon the ability of the street railway company to continue in the future to supply even as good service as it is now supplying would be detri-

mental and in the end demoralizing. (3) That unless improvements in the street railway service of Rochester, substantially as outlined in the aforesaid report, are inaugurated without unnecessary delay, it may ultimately become necessary to resort to some such supplemental service as that for which application has been made, or preferably to an improved type of such supplemental service. (4) That for the present however the best interests of the city of Rochester will be served by affording the existing street railway company a reasonable opportunity to undertake and carry through such necessary improvements in its plant, equipment, and methods of operation as are outlined in the aforesaid report, or such alternative improvements as may hereafter be suggested to accomplish the same end. (5) That public convenience and necessity in the city of Rochester will best be subserved by the making and entry of an order at this time denying the present applications to operate jitneys in direct competition with the existing street railway service over practically identical streets and avenues—upon the distinct understanding however on the part of the Commission that the existing street railway system will immediately undertake, so far as it is within its legal power to do so unaided; and will immediately coöperate with the governmental authorities and citizens of Rochester, so far as such coöperation is necessary; to improve and reorganize its transportation system in substantial accordance with the recommendations laid down in the aforesaid report of Charles R. Barnes, electric railroad inspector; and upon the further understanding that in the event that such steps as may be necessary to accomplish this end be not taken by the said street railway company, either alone or in coöperation with others, this Commission will employ its regulatory powers to the fullest extent permissible by statute to secure the accomplishment of these ends; and upon the further understanding that if it shall subsequently transpire that neither through the efforts of the New York State Railways, acting separately or in conjunction with the governmental authorities and the citizens of Rochester, nor by the employment of this Commission's statutory powers, can adequate transportation facilities be supplied to the people of Rochester through the instrumentality of the existing street railway service, then and in such case this Commission will be willing to entertain further applications looking to the establishment of supplementary service in the city of Rochester. Now therefore, in order to give effect to the views of the Commission as above expressed, it is hereby

Ordered: 1. That the applications of the said T. S. Ashmead and others for certificates of convenience and necessity as set forth in the said applications be and the same hereby are for the present denied.

2. That within thirty days from the receipt of a copy of this order the New York State Railways shall indicate to this Commission the steps which it is at present willing to take to improve its service in the city of Rochester, substantially as recommended in the aforesaid report: setting forth what if any immediate changes in operating methods, car schedules, equipment, and other matters of detail it is willing to put into effect, and what its views are with respect to the practicability of making such changes and alterations as the report recommends in its trackage and other facilities in Rochester. In such communication to the Commission it is especially desired at this time that the New York State Railways shall indicate quite specifically how far it is willing to go in complying with the recommendation in said report relative to the operation of its present car-barns on State street. Upon the receipt of such communication from said New York State Railways the Commission will give prompt consideration to any alternative plans or suggestions looking to the betterment of its transportation system which the company may present, and will thereafter from time to time make such further or other orders as in its opinion are proper and necessary for the establishment of adequate transportation conditions in the city of Rochester.

3. That this case be and the same hereby is closed upon the records of the Commission, with leave to the petitioners to move to reopen same at a later date if circumstances shall then seem to warrant such reopening; and upon the understanding also that this Commission will of its own motion reopen the matter in case it should deem it desirable hereafter so to do.

[Case No. 5390]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of FRANK F. GILLETT under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca and in the city of Elmira, it being proposed that the route shall also be operated between the city of Ithaca and the city of Elmira.

Frank F. Gillett applies for a certificate of convenience and necessity for a stage route to be operated by auto busses over certain streets in the city of Ithaca and certain streets in the city of Elmira, to be operated as a portion of a route between the city of Ithaca and the city of Elmira. The petitioner has received the consent of the municipal authorities of the cities of Ithaca and Elmira, subject to certain terms and conditions. A public hearing was held in the city of Ithaca May 6, 1916, at which Mr. William Hazlitt Smith appeared for the applicant; Stanchfield, Lovell, Falck & Sayles, by Mr. W. B. Flannery, appeared for the Elmira Water, Light and Railroad Company; Mr. M. S. Halliday for E. F. Crane of Horseheads; and Mr. Lyster G. Bayly for the State Highway Department. It was stipulated at said hearing, in order to prevent competition between Elmira and Horseheads, that the fare to be charged between those places should not be less than twenty-five cents. Under this condition there was no opposition to the granting of the certificate. Now therefore this Commission hereby certifies that public convenience and necessity require the operation by Frank F. Gillett of a stage route by auto busses, as provided in the consents heretofore granted by the common council of the City of Ithaca December 15, 1915, and the mayor and common council of the City of Elmira December 30, 1915, copies whereof are attached to the petition herein, over the following streets in said cities: in the city of Ithaca: Aurora street between the south side of State street and Seneca street, Seneca street between Aurora street and Cayuga street, Cayuga street between Seneca street and Spencer street, and Spencer street between Cayuga street and the south line of the city of Ithaca; in the city of Elmira: Grand Central avenue from the north line of the city of Elmira to Division street, Division street between Grand Central avenue and Lake street, Lake street between Division and East Water streets, East Water street between Lake and State streets, State street between East Water and East Market streets. Said routes to be operated only as parts of a line from the city of Ithaca to the city of Elmira, but not to carry passengers locally from one point to another point within the city of Ithaca nor from one point to another point within the city of Elmira. It is hereby provided that the fare to be charged by the applicant for transportation of passengers from the city of Elmira to the village of Horseheads, or from the village of Horseheads to the city of Elmira, and between intermediate points, shall not be less than the sum of twenty-five cents. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the cities of Ithaca and Elmira and the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

380 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two highway grade crossings of its railroad in the town of Canisteo, Steuben county, the travel thereon to be diverted therefrom to an existing overgrade crossing of the railroad.

In the town of Canisteo, Steuben county, the Erie railroad is crossed at grade by two highways approximately 440 feet apart. The more westerly of these two crossings is on a road leading to Canisteo. The easterly crossing is on a road leading to Howard. East of and distant about 110 feet from the road leading to Howard there is an overgrade crossing of the railroad. The travel on none of these highways is heavy, and the petitioner proposes to close the two grade crossings and divert the traffic therefrom by means of the construction of a new highway north of and adjacent to the railroad to an existing overgrade crossing. A hearing on this application was held by the Commission on April 18, 1916, at which A. M. Hartung appeared for the Erie Railroad Company, Milton W. Davison for the Town of Canisteo, and F. A. Hermans for the State Department of Highways. Objection to granting of the application was made on behalf of the Town of Canisteo unless the railroad corporation should consent to bear the share of the cost of such elimination which under the statute would be imposed upon the town. An adjournment was thereupon taken to May 10, 1916, at which time counsel for the corporation appeared and filed due proof of publication of the notice of this hearing and of personal service of such notice upon all of the interested property owners, as prescribed by statute, together with an agreement under date of April 29, 1916, between the Town Board of Canisteo and the Erie Railroad Company, under which the corporation agrees to pay the 25 per cent of the cost of the proposed improvement which under the statute is imposed upon the town. The applicant also filed a plan of the proposed agreement, marked "Applicant's Exhibit No. 2," and hereinafter particularly designated and referred to; also a statement of the estimated expense of such improvement which including land costs totals the sum of \$3887.83. Opposition of the Town of Canisteo having accordingly been withdrawn, and the Commission being unanimously of the opinion that the petition herein shall be granted, and upon the express condition that the statutory share of the Town of Canisteo in the cost of the improvement shall be borne by the railroad corporation as aforesaid, it is

Ordered: That the two grade crossings of the Erie railroad in the Town of Canisteo, referred to in the petition herein, one of the crossings being on the road leading to Canisteo, the other on the road leading to Howard, be closed and discontinued, and that the travel be diverted therefrom to a new highway to be constructed north of and immediately adjacent to the railroad corporation's northerly right of way line, from the road to Canisteo easterly to a road leading to an existing overgrade crossing, a total length of approximately 1040 feet; the southerly line of this highway to coincide with the northerly right of way line of the railroad. Details of construction of this new piece of highway shall conform to the following:

(a) The width of land to be acquired for highway purposes to be 49½ feet, in the center of which the traveled portion shall be constructed.

(b) The width of new highway in cuts shall be not less than 20 feet, and the width on the embankments not less than 18 feet; the traveled portion, 12 feet wide, to be paved either with gravel or with screenings; the resultant roadway to be at least as good as the present roadways proposed to be abandoned.

(c) The necessary grading to permit connection with the road to Howard on a grade not exceeding 5 per cent shall be performed, and this connection shall be constructed with respect to width of embankments and width and character of pavement as heretofore specified for the main road.

(d) Culverts shall be provided, and suitable and permanent guard-rails erected at all points where embankments are two feet or more in height. In cuts, ditches are to be constructed for drainage purposes.

(e) Beginning at the road leading to Canisteo, the new highway shall be level for about 250 feet; thence ascending at the rate of 2.4 per cent a distance of about 730 feet; thence level a distance of about 60 feet.

The overgrade crossing to which travel is to be diverted is in three spans, the southerly one of which is on a grade of about 12 per cent. This structure is to be changed so that on this southerly span the grade shall not be greater than 8 per cent, and the necessary grading on the southerly approach to this structure shall be performed to permit the continuance of said 8 per cent grade to an intersection with the existing highway surface. On this re-graded approach, not less than 18 feet wide, there shall also be constructed a gravel or screenings roadway as heretofore referred to, together with necessary guard-rails; and such additional masonry as may be required to place the southerly span of the bridge in its new position shall be provided.

The existing crossings shall be left open until the completion of the work herein provided for and its acceptance by this Commission, after which they shall be closed by the construction of fences or other barriers across the present roads.

The existing and proposed highway lay-outs and the work herein specified to be performed are shown upon a general plan on file with this Commission, said plan being entitled "Erie R. R. Co., Susquehanna Division, Proposed Grade Crossing Elimination, Canisteo Center, N. Y. Scale 1 in.=50 ft. April 11, 1916".

[Case No. 5438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two highway grade crossings of its railroad in the town of Canisteo, Steuben county, the travel thereon to be diverted therefrom to an existing overgrade crossing of the railroad.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". The Commission having by and under its order duly made and entered in the matter first above entitled on May 16,

1916, determined and directed that two grade crossings of the Erie railroad in the town of Canisteo, Steuben county: one on a road leading to Canisteo, the other on a road leading to Howard, shall be closed and discontinued, and that the highway traffic shall be diverted therefrom to an overgrade crossing by means of a new highway to be constructed north of the railroad, according to plans to be approved by this Commission and under its direction; and the total cost of such elimination and change having been estimated at not to exceed the sum of \$4000, of which total cost the share of the State of New York as fixed by statute will be the sum of \$1000, now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way, the available balance being approximately the sum of \$161,600, there shall now be segregated and set apart to the credit of grade crossing case No. 5438, above entitled, the sum of \$1000, to meet the State's share of the cost of the elimination in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 5481]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ELMER M. CLARK under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Batavia, it being proposed that the route shall also be operated between said city of Batavia and the village of Warsaw.

Superseding
order.

A petition having heretofore been duly filed with the Commission by Elmer M. Clark of the village of LeRoy, pursuant to chapter 667 of the laws of 1915, asking for a certificate of convenience and necessity for the operation of motor vehicles or stage line or routes as set out in said petition, and the consent therefor given by the mayor and common council of the City of Batavia, which consent is attached to said petition and filed with the papers in this case. A hearing having been duly held herein by the Commission in the city of Buffalo on the 5th day of May, 1916, pursuant to a notice duly given and published as required by the Rules of the Commission; and the said petitioner having duly appeared at said hearing in person and by Messrs. Stedman and Waterman of Batavia, as attorneys; and there having been no other appearances at said hearing; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the motor bus line which is herein proposed by the petitioner runs from a point on Main street in the city of Batavia in front of the Richmond Hotel, thence along Main street to the intersection thereof with Jackson street, thence along Jackson street to its intersection with Ellicott street, and thence along Ellicott street to the city line where said street joins the state highway leading to the town of Bethany, the village of East Bethany, the town of Pavilion, the village of Pavilion, the village of Wyoming, and the village of Warsaw, all of which municipalities are connected by the state highway which is the proposed route of the auto bus of the peti-

tioner herein outside of the city of Batavia. Warsaw is the county seat of the county of Wyoming, and a portion of said route traverses towns and villages in the county of Wyoming, and the balance of said proposed route runs through towns and villages of Genesee county and leads to the city of Batavia which is the capital of Genesee county; that there are excellent high school and grammar school facilities at Batavia and Warsaw, and both of said places have banks and business houses which are largely patronized by the residents along said route; that both the supreme and county courts are held at Batavia and Warsaw for their respective counties, and the bankruptcy court for said section is held in the village of Warsaw where the referee in bankruptcy resides; all these matters are assigned as reasons why the said auto bus would satisfy the public necessity and meet the requirements of the people living along said route. There is now no public utility operating directly between Batavia and Warsaw, and there is now no public conveyance between those places except to take a round about trip by way of either Attica or LeRoy, which consumes very much more time than a trip over the proposed route by auto bus. And this Commission having on the 9th day of May, 1916, granted an order whereby a certificate of convenience and necessity was issued herein to the petitioner, Elmer M. Clark, to operate said auto bus over Main, Clark, and Ellicott streets in the said city of Batavia; and it appearing that a mistake was made in that "Jackson street" should have been inserted in said order instead of "Clark street," it is therefore

Ordered: That the said order and certificate herein dated May 9, 1916, are hereby vacated and set aside; and in place and stead thereof this Commission hereby certifies that public convenience and necessity require the operation by Elmer M. Clark of LeRoy, the petitioner in this proceeding, of a motor vehicle route over Main, Jackson, and Ellicott streets in the city of Batavia, as provided in the said consent heretofore described, in connection with the auto bus route of the petitioner between the city of Batavia and the village of Warsaw.

This certificate is granted subject to all of the terms and conditions of the said consent above mentioned, and subject to all present and future ordinances of the City of Batavia, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and said certificate is not assignable without the consent of this Commission. This certificate is granted subject also to the further express condition, in accordance with the statement contained in said petition, that no passenger will be carried in said motor vehicles or auto busses from one point to another within the city of Batavia, but that said motor vehicle route shall be operated by the petitioner for through passengers only from any point along said route within the city of Batavia to points outside of said city along said route to Warsaw, and from points along said route outside of the city of Batavia to any point within the said city of Batavia.

384 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5517]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the petition of RALPH M. GATES and HAROLD COMSTOCK, copartners, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Carthage.

Ralph M. Gates and Harold Comstock ask for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Carthage. The consent of the municipal authorities of the city of Watertown was granted March 24, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse May 5, 1916, at which Messrs. Kilby & Norris, by Charles E. Norris, appeared for the petitioner; Delos M. Cosgrove appeared for the Black River Traction Company; and Charles C. Cassel appeared for the State Highway Department. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Watertown. Under this condition there was no opposition to the granting of the certificate. Now therefore this Commission hereby certifies that public convenience and necessity require the operation by Ralph M. Gates and Harold Comstock of a stage route by auto busses, as provided in the consent heretofore granted by the mayor and common council of the city of Watertown, a copy whereof is attached to the petition herein, commencing at the northerly end of Public Square in the city of Watertown, Jefferson county, New York, thence down the public square to and along State street to its junction with Eastern boulevard, thence through and along Water street to the city boundaries; also from a point on the said Public Square in the city through and along Factory street and Pearl street to Water street, and thence through and along Water street to the city boundaries; to be operated only as a part of a line from the city of Watertown to the incorporated village of Carthage, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the city of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5524]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of FRED I. DAILEY under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Clayton.

Fred I. Dailey asks for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Clayton. The consent of the municipal authorities of the City of Watertown was granted March 24, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse May 5, 1916, at which Mr. Francis M. McKinley appeared for the petitioner; Mr. Delos M. Cosgrove appeared for the Black River Traction Company; Mr. John O'Leary in opposition; and Mr. Charles C. Cassel appeared for the State Highway Department. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Watertown. Now therefore this Commission hereby certifies that public convenience and necessity require the operation by Fred I. Dailey of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, from in front of A. Bushnell and Company's store on Public Square, over Public Square to Court street, over Court street to West Main street, over West Main street to Bradley street, over Bradley street to the city line, to be operated only as a part of a line from the city of Watertown to the incorporated village of Clayton, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the city of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

386 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5526]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THOMAS M. LOUCKS under chapter 667 of
the laws of 1915 for a certificate of public convenience
and necessity for the operation of a stage route by
auto busses in the city of Jamestown.

This petition was filed with this Commission on April 19, 1916, and a
public hearing set for the city of Jamestown May 19th; subsequently the
petitioner asked leave to withdraw the petition, stating that he did not intend
to proceed in the matter. It is therefore

Ordered: That the matter of this petition is hereby closed on the records
of this Commission.

[Case No. 5535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Joint Petition of LEHIGH VALLEY RAILROAD COMPANY
and THE DELAWARE, LACKAWANNA AND WESTERN
RAILROAD COMPANY under section 54 Railroad Law
(as amended by chapter 564 of the laws of 1915) for
consent to the discontinuance of their joint passenger
station at Cortland Junction.

This petition was filed with this Commission on April 29th and a public
hearing set for May 16th, in the meantime, by letter dated May 12th, the
companies withdrew the petition, stating "We are now advised, however, that
the petition will be opposed, and in view of this fact we prefer to withdraw
the petition rather than to press the matter further". It is therefore

Ordered: That this case is hereby closed on the records of the Commission

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Whereas, The division of statistics and accounts has prepared for the use of those classes of public utilities below named in rendering their reports to this Commission for the year ending June 30, 1916, the following forms: Operating and Lessor Electric Railroad Corporations; Inchoate and Dormant Corporations, Railroads and Street Railroads; Baggage Companies and Transfer Companies; Stage Coach Corporations; Stock Yard Corporations.

Ordered: That the aforesaid forms be approved and prescribed for the use of the said corporations, that two copies of the appropriate form be furnished to each corporation of the classes specified, and that all such corporations be required to submit their annual reports, duly verified as required by law, upon such forms on or before September 30, 1916.

[Case No. G. C. 432]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CITY OF BUFFALO under section 90 of the Railroad Law for this Commission to determine the manner in which Elmwood avenue in said city shall cross the New York, Lackawanna and Western railway, leased to and operated by The Delaware, Lackawanna and Western Railroad Company.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer upon a portfolio of plans: including a general plan, detail masonry plan, piling plan, and falsework plan, and specifications for the substructural and superstructural work, covering the construction required pursuant to a determination of the Commission in the matter above entitled; and upon the approval of the City of Buffalo as similarly indicated by the approval signature on said plans and specifications of its acting commissioner of public works, it is

Ordered: That said plans and specifications be and are hereby approved.

355 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for exemption of inspection locomotive No. 24 from requirements of order of this Commission as to the use of oil as fuel in locomotives in the Adirondack Forest Preserve.

The New York Central Railroad Company has applied for permission to use coal-burning inspection locomotive No. 24 on its railroad within the Adirondack Forest Preserve between 8 a. m. and 8 p. m. during the period from April 15th to November 1st, this locomotive having superseded a locomotive known as "Mohawk," the use of which during these hours and for the same period was permitted by order of this Commission dated April 25, 1910. The Conservation Commission has indicated by letter dated May 17, 1916, that there is no objection to such use of this locomotive, provided the locomotive is first inspected and certified by this Commission as being properly equipped with fire protective devices, and provided further that such fire protective devices are used and properly maintained at all times. Now therefore

Ordered: That The New York Central Railroad Company's inspection locomotive No. 24 be and hereby is exempted from the terms and provisions of the order of this Commission requiring the use of oil as fuel in locomotives used within the Adirondack Forest Preserve, on condition that the spark-arresting appliances and ash-pan of the said locomotive shall be maintained in first-class condition at all times; and provided further that said locomotive shall be inspected each year before April 15th by an inspector of this Commission, and a certificate issued showing that the spark-arresting appliances and ash-pan thereof are in use and in satisfactory condition.

[Case No. 494-G]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for permission to use coal-burning locomotives Nos. 2404, 2411, and 2792 in ballast operations on the Adirondack division between Owls Head and Whippleville, during the months of May and June, 1916.

The petitioner having applied under date of May 12th for leave to use coal-burning locomotives in ballast operations on the Adirondack division of its

railroad between Owls Head and Whippleville, such permit to cover period of two months in the Summer of 1916; and the matter having been presented to the Conservation Commission, which latter has indicated its approval of the railroad corporation's request provided the provisions hereinafter set forth as conditional to the granting of this order shall be inserted therein; now therefore it is

Ordered: That The New York Central Railroad Company is hereby granted permission to operate coal-burning locomotives Nos. 2404, 2411, and 2792 in connection with its ballast operations on the Adirondack division between Owls Head and Whippleville, at all hours of the day during the months of May and June, 1916, upon the following conditions nevertheless:

1. That the railroad corporation shall cause each coal-burning locomotive operated between Owls Head and Whippleville, in either direction, as above provided, to be followed by a patrolman on a speeder.

2. That each locomotive used and operated as herein provided shall be inspected daily at Malone Junction.

3. That each locomotive used and operated as herein above provided shall have been first thoroughly inspected, examined, and approved by the Public Service Commission before being placed in service at the beginning of the period herein provided; and that at the close of each thirty-day period thereafter during the entire interval herein provided for, each of such locomotives so used and operated shall have been again thoroughly examined, inspected, and approved by the Public Service Commission before being placed or continued in service.

4. That this permission be subject to withdrawal on twelve hours' notice, provided weather conditions become dry and there is danger of fire.

5. That this permission be subject to cancellation in case any fires are started.

[Case No. 5118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over said company's railway in the city of Poughkeepsie.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on May 10, 1916, determined and directed that the existing crossings at North street and North Clinton street over the Central New England railway in the city of Poughkeepsie shall be reconstructed under the direction of this Commission and according to plans approved by and under the determination, the total cost of such reconstruction and changes having been estimated at the sum of \$29,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$7250; now therefore it is

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Ordered: That from funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way, the available balance being approximately the sum of \$168,900, there shall now be segregated and set apart to the credit of grade crossing case No. 5118, above entitled, the sum of \$7250 to meet the State's share of the cost of the reconstruction in said case, as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 5399]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of WELLSVILLE AND BUFFALO RAILROAD CORPORATION under section 55 of the Public Service Commissions Law for authority to issue \$850,000 common capital stock.

Petition filed January 25, 1916; affidavit of discharge of mortgage dated December 13, 1915, filed March 18, 1916; hearing held March 29, 1916; copy of proposed form of mortgage filed April 3, 1916; copy of consent of stockholders to execution of said mortgage filed April 3, 1916; copy of supplemental lease dated March 13, 1916, filed April 3, 1916; report of division of capitalization dated May 10, 1916; report of division of steam railroads dated May 10, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the execution and delivery by the Wellsville and Buffalo Railroad Corporation to Messrs. Charles A. Finnegan of Depew, Erie county, N. Y., Abraham Weber of Louisville, Ky., and Theodore Hofeller of the city of Buffalo, Erie county, N. Y., of a certain indenture, deed of trust, or mortgage upon all its plant and property, dated December 31, 1915, to secure an issue of one-year notes, bearing interest at the rate of 5 per cent per annum payable quarterly from the aforesaid date, to the aggregate amount of \$360,000, is hereby authorized *nunc pro tunc*; and the form of such indenture as filed with the Commission herein is hereby approved.

2. That pursuant to the provisions of section 55 of the Public Service Commissions Law the issuance and sale by the Wellsville and Buffalo Railroad Corporation of \$85,000 par value of its capital stock which has already been issued by the corporation (in good faith, not understanding that the approval of this Commission was apparently a prerequisite to any such stock issue), for which there was realized the net amount of \$85,000, is hereby ratified and approved and authorized *nunc pro tunc*.

3. That the Wellsville and Buffalo Railroad Corporation is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$765,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of \$765,000.

4. That said stock of the par value of \$850,000 so authorized, or the proceeds thereof to the amount of \$850,000, shall be used solely and exclusively for the following purposes;

(a) To be applied toward the purchase price of property, rights and franchises, including tracks, buildings, etc., to be acquired from the Susquehanna Finance Corporation which formerly belonged to the Buffalo and Susquehanna Railway Company, as described in the mortgage hereinbefore authorized total purchase price			\$1,200,000	
Less one year notes secured by mortgage hereinbefore authorized			360,000	\$840,000
(b) For working capital.....				10 000
				<u>\$850 000</u>

provided that such working capital shall not be disbursed by said company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

5. That the Wellsville and Buffalo Railroad Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the Wellsville and Buffalo Railroad Corporation shall charge to the prescribed accounts under the Classification of Investment in Road and Equipment of Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission, the actual cost to it of the property of the former Buffalo and Susquehanna Railway Company herein authorized to be purchased from the Susquehanna Finance Corporation, which cost shall be \$1,200,000; and that the company shall file within thirty days after the acquisition of such property a detailed, verified report showing the allocation to such prescribed accounts of this total amount, which allocation shall be subject to the approval of this Commission.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money procured and to be procured by the issuance of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

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[Case No. 5527]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ADDISON AUTO-BUS
COMPANY, INC., for a certificate of public convenience
and necessity for the operation of a stage route by
auto busses in the city of Corning, to be operated,
between Corning and the incorporated village of
Addison.

The Addison Auto-Bus Company, Inc., asks for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the city of Corning as a part of a route to be operated between Corning and the incorporated village of Addison. The consent of the municipal authorities of the City of Corning was granted April 10, 1916, subject to the terms and conditions of the application made by the petitioner for such consent. As a part of such terms and conditions the applicant stated that no passengers would be carried from one point to another within the city of Corning, nor between the city of Corning and the village of Painted Post or intermediate points. A public hearing was held in Elmira May 15, 1916, at which there were no appearances opposed to the application. It appeared that under the conditions stated there would be no competition with any other common carrier within the city of Corning. Now therefore this Commission hereby certifies that public convenience and necessity require the operation by the Addison Auto-Bus Company, Inc., of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Corning, a copy whereof is attached to the petition herein, from Dickinson House Square and Pine street west on Market street to State street, north on State and Bridge streets to Pultney street, and west on Pultney street to the city line, to be operated only as a part of a line from said city of Corning to the village of Addison, but not to carry passengers locally from one point to another point within said city of Corning nor between the city of Corning and the village of Painted Post or intermediate points. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned and subject to present and future ordinances of the City of Corning and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.

A petition was filed May 9, 1916, by Grasse River Railroad Corporation, asking for a modification of that part of the order of this Commission dated November 23, 1915, in reference to the use of coal-burning locomotives during the period from April 15th to November 1st in each year. On May 18, 1916, a hearing was held at which the petitioner asked that said portion of the order be modified so that internal combustion motors or storage batteries may be used as sources of motive power. Representatives of the Conservation Commission present stated that there is no objection to the use of said internal combustion motors and storage batteries on the Grasse River railroad, and this Commission is of the opinion that it is proper to permit the use of locomotives deriving power from said sources. Now therefore

Ordered: That the last paragraph of the order of this Commission dated November 23, 1915, be and hereby is modified as follows:

It is further Ordered: That no locomotive burning coal for the generation of steam shall be used on said railroad within the Forest Preserve during the period from April 15th to November 1st in each year between the hours of 8 a. m. and 8 p. m.; that no locomotive burning coal for the generation of steam shall be used on said railroad within the Forest Preserve during the period from April 15th to November 1st in each year between the hours of 8 p. m. and 8 a. m. unless said locomotive shall have been inspected by this Commission and a certificate issued entitling such locomotive to burn coal during said hours, which certificate shall be revocable at the pleasure of the Commission; that any locomotive thus permitted to burn coal between the hours of 8 p. m. and 8 a. m., drawing a train scheduled to be operated between these hours, may continue through to destination when said train is not more than two hours late; that locomotives or cars propelled by internal combustion motors, or by electric motors driven by electric current secured from storage batteries, may be operated on said railroad at any time.

The Conservation Commission has approved the form of this order which is entered with its assent.

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[Case No. 5424]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of A. W. BALL AND OTHERS of Chatham *against* THE NEW YORK CENTRAL RAILROAD COMPANY and the BOSTON AND ALBANY RAILROAD COMPANY (Hudson branch).

The complainant in this proceeding having notified the Commission that he desires to withdraw the complaint and to take no further action in the matter, it is

Ordered: That the complaint be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 5506]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE PENNSYLVANIA RAILROAD COMPANY as lessee of the Elmira and Lake Ontario railroad, under section 91 of the Railroad Law for an order determining that public safety requires the closing of Old Main Street grade crossing of the Elmira and Lake Ontario railroad in the incorporated village of Horseheads, Chemung county, the travel therefrom to be diverted to a new crossing of said railroad by a state highway now constructed and in use.

A petition dated March 24, 1916, in the above entitled matter, alleges that in the northerly part of the village of Horseheads the Elmira and Lake Ontario railroad and a highway known as Main street cross at grade; that said crossing is dangerous to travelers on said street by reason of the obstruction of views of approaching trains, and that public safety requires that it be closed and discontinued and travel diverted to an existing crossing on a state highway north of and distant about 150 feet from the Main Street crossing. It further alleges that at the new crossing the views of approaching trains are entirely unobstructed in all directions. A hearing on this application was held by the Commission at Elmira on May 15, 1916, at which A. S. Diven appeared for the petitioner; Lewis E. Mosher for Ira B. Payne and Julia Conklin, property owners, in opposition; and L. G. Bayly for the State Commission of Highways; at which time counsel for the railroad corporation filed due proof of publication of the notice of this hearing and of personal service of such notice on all interested property owners as prescribed by statute. Objection to the granting of this application was made on behalf of the two property owners, who claimed that a depreciation in the value of property and an inconvenience in the transaction of business would be caused thereby.

Neither the Village of Horseheads nor the State Commission of Highways entered an opposition to the granting of the petition. Upon the testimony submitted, and a personal examination of the vicinity of this crossing by the Commissioner in charge, it appears to the Commission that the petition should be granted; therefore

Ordered: That the existing crossing of the Elmira and Lake Ontario railroad (The Pennsylvania Railroad Company, lessee) by Main street in the village of Horseheads be closed and discontinued by the erection of fences or other barriers, and that travel be diverted therefrom to existing crossings.

Further Ordered: That this order shall not be effective unless and until The Pennsylvania Railroad Company has filed with this Commission a stipulation that it will pay and discharge the entire expense of the work herein authorized, including all costs, expenses, and damages whatsoever, and of the taking of any rights or easements; this order being further granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York; and its acceptance by The Pennsylvania Railroad Company shall be deemed as an undertaking on its part to save the State of New York, the Village of Horseheads, and this Commission harmless from all costs, damages, and claims on account of the work and changes herein authorized and provided for.

[Case No. 5508]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of GEORGE W. BLODGETT under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Cape Vincent.

George W. Blodgett asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Cape Vincent. The consent of the municipal authorities of the City of Watertown was granted March 25, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse May 5, 1916, at which Mr. J. Nellis appeared for petitioner; Mr. Delos M. Cosgrove appeared for the Black River Traction Company; Mr. Charles C. Cassel appeared for the State Highway Department; and Mr. Joseph W. Cornaire appeared for Alfred L. Dezensgremel and Harry L. Vincent. It was stipulated at said hearing that no passengers would be carried from one point to another point within the city of Watertown. Now therefore this Commission hereby certifies that public convenience and necessity require the operation by George W. Blodgett of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, from Public Square to and along Court street to Coffeen street, thence along and through Coffeen street to the city limits, to be operated only as a part of a line from said city of Watertown to the incorporated village of Cape Vincent, but not to carry passengers locally from one point to another point within said city of Watertown. This certifi-

cate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of May, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of proposed new passenger fares by various common carriers subject to the jurisdiction of this Commission.

It appearing that by order dated the 22nd day of December, 1915, this Commission entered upon a hearing concerning the propriety of the increases in certain new individual and joint fares and charges applying to the transportation of passengers between points within and subject to its jurisdiction contained in tariffs described in said order, of carriers or their duly authorized agents specifically named therein, and which had been filed with this Commission to become effective January 1 and 10, 1916. It further appearing that pending such hearing and decision the Commission ordered that the operation of said tariffs be suspended, and that the use of said fares and charges be deferred upon traffic subject to the jurisdiction of this Commission until the 29th day of April, 1916, unless otherwise ordered by the Commission; and thereafter it having appeared that such hearing could not be concluded within the period of suspension last stated, this Commission, by its order of April 25th last, further suspended the operation of said tariffs and directed that the use of said fares and charges should be further deferred until the 1st day of June, 1916, unless otherwise ordered by the Commission; and it now appearing that the aforesaid hearing can not be concluded within the period of suspension last above stated, it is

Ordered: That the operation of said tariffs be and hereby is further suspended and the use of said fares and charges be and is further deferred upon traffic subject to the jurisdiction of the Public Service Commission, Second District, until the 1st day of July, 1916, unless otherwise ordered by the Commission.

It is further Ordered: That a copy of this order shall be filed with each of said tariffs in the office of this Commission, and that copies hereof be forthwith served upon the respondents to this proceeding.

It is further Ordered: That upon receipt of this order by said carriers, respondents to this proceeding, such carriers or their duly authorized agents shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension and stating that said tariff or tariffs are under suspension as to New York state traffic which is subject to the jurisdiction of the Public Service Commission, Second District, and may not be applied or charged until further notice, or until July 1, 1916, such tariff amendments to also refer by P. S. C., 2 N. Y., number or numbers to the tariff or tariffs in which fares or charges effective during the period of further suspension may be found. The title page of every such tariff amendment shall show issued date June 1, 1916, and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date May 26, 1916, in case No. 5345".

[Case No. 5447]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of May, 1916.

Present:

DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of consumers of electricity, including the president and trustees of the village, of the INCORPORATED VILLAGE OF HEUVELTON, St. Lawrence county, *against* NORTHERN POWER COMPANY as to discontinuance of flat rate basis of charge.

Mr. S. R. McBratney representing the complainants herein, in response to a letter addressed to him May 19th, inquiring whether a hearing at Ogdensburg was desired by the complainants, having informed the Commission by letter dated May 22, 1916, that the complainants were willing that the case should be closed, it is

Ordered: That the case be and hereby is closed upon the records of the Commission, without prejudice however to a reopening or to the filing of another complaint should the complainants or others later so desire.

[Case No. 5465]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of GEORGE C. HOLTON, for himself and others, *against* the PUBLIC SERVICE CORPORATION OF LONG ISLAND, asking that said company, extend its gas mains along Manhasset avenue, Great Neck, L. I., and furnish gas to complainant and others.

Complaint having been made by George C. Holton, for himself and others, against the Public Service Corporation of Long Island, asking that the said company be ordered to extend its gas mains along Manhasset avenue, Great Neck, L. I., and furnish gas to complainant and others; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing before the Commission on the 21st day of April, 1916, at which time, after certain testimony had been taken, a conference was held between the parties hereto and the Commissioner in charge, as the result of which it was stated upon the record by the president of the respondent corporation that all necessary arrangements had already been made to lay the mains asked for by complainant, and that complainant would have the service desired in his residence within a very short time, without the necessity for any order by the Commission; and the Commissioner in charge of the hearing having thereupon stated that in view of this announcement no further action would be taken in the matter for a few weeks, and that then the Commission

would probably enter a closing order unless complainant should in the meantime notify the Commission that the work had not been carried out in the manner agreed to by respondent at the hearing; and upward of a month having now elapsed since said hearing, and no information having been received from the respondent that any hitch had occurred in carrying out the settlement which was arrived at or that the work of laying the new mains had been discontinued or unduly delayed, and the Commission assuming therefore that there is no need of continuing this matter longer upon its calendar, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5514]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of May, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of **HERSCHELL-SPILLMAN COMPANY** of North Tonawanda *against* **INTERNATIONAL RAILWAY COMPANY**, protesting against Buffalo city passengers being carried in the city of Buffalo on Buffalo and Niagara Falls cars.

This case was presented to the Commission by the complaint of the Herschell-Spillman Company of North Tonawanda which was filed with the Commission April 11, 1916; the petitioners ask relief from a practice of the International Railway Company of carrying Buffalo city passengers in its interurban cars running from the city of Buffalo through the cities of Tonawanda and North Tonawanda to the city of Niagara Falls; the common council of the City of North Tonawanda supplemented such complaint, and requested that Buffalo city passengers be prevented from riding on said cars from point to point in said city; there was also filed in this case a numerous signed petition of residents of the Tonawandas, Niagara Falls, and suburban villages, asking for the same relief; subsequently, and on or about the 19th day of May, 1916, the International Railway Company by its president, Mr. E. G. Connette, answered said complaints in writing, whereby the said International Railway Company met all of said complaints, and gave notice that commencing May 21, 1916, express service would be inaugurated on the Buffalo and Niagara Falls line between Main and Court streets in the city of Buffalo and Niagara and Tonawanda streets in the city of Buffalo, and that cars going out of the city would stop only to pick up passengers, and cars going into the city would stop only to let off passengers between those points. A hearing was duly held in this case in the city of Buffalo on the 22nd day of May, 1916, at which Mr. S. H. Milliner appeared for the City of Tonawanda; and Mr. J. P. Lindsay appeared for the City of North Tonawanda; and the answer of the International Railway Company was presented and filed, which was received by the said parties as a satisfaction of said complaints. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NEWBURGH LIGHT, HEAT AND POWER COMPANY for leave to issue convertible ten-year debenture bonds to the amount of three hundred and fifty thousand dollars (\$350,000).

Petition of the CENTRAL HUDSON GAS AND ELECTRIC COMPANY, the successor corporation, for authority to issue its common capital stock for conversion of such debentures.

On April 29, 1908, the Newburgh Light, Heat and Power Company was authorized by this Commission to issue and sell at not less than their face value \$330,000 of its 8 per cent ten-year debenture bonds and to use the proceeds for certain specified purposes. These bonds are convertible into common capital stock at par after two years from date of issue and prior to their maturity. In the aforesaid order this Commission required that before such stock was issued for this purpose and any conversions made its permission should be obtained. According to an order of this Commission dated April 11, 1911, in case No. 1705, the Newburgh Light, Heat and Power Company was consolidated into the Central Hudson Gas and Electric Company, and the aforesaid debenture bonds are now convertible into stock of the consolidated company. Under date of May 13, 1916, the Central Hudson Gas and Electric Company petitioned the Commission for permission to issue sufficient of its common capital stock to convert on the basis of par for par the aforesaid debenture bonds of the Newburgh Light, Heat and Power Company. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Central Hudson Gas and Electric Company is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue not to exceed \$300,000 par value of its common capital stock, or so much thereof as may be necessary, for the conversion from time to time by exchange on the basis of an amount of such stock in par value equal to the amount in face value of outstanding debenture bonds of the Newburgh Light, Heat and Power Company, a constituent corporation of the petitioner, which stock so issued shall be entitled only to a pro rata share of dividends from the date of such conversion.

2. That the Central Hudson Gas and Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been issued during such period in accordance with the authority contained herein and the date of such issue; (b) with whom such conversion was made; (c) the amount face value of bonds which have been converted into stock; (d) any other terms and conditions of such conversion. Such reports shall continue to be filed until all of the stock shall have been issued in accordance with the authority contained herein, and if during any period no stock was issued the report shall set forth such fact.

3. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the stock herein authorized to be issued is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

400 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2905]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of J. FRANK SMITH, individually and as attorney for property owners, *against* INTERNATIONAL RAILWAY COMPANY and the BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY, alleging inadequate station facilities at the corner of West avenue and Transit street in Lockport.

This case was presented to the Commission May 8, 1912, by the filing of the complaint of J. Frank Smith, individually and as attorney for property and business interests in the city of Lockport, alleging that the station maintained by the International Railway Company in the city of Lockport is antiquated in type and unsanitary in condition, and that therefore said station is inconvenient and inadequate for the traveling public; certain features of the station lay-out are also complained of in this case, and the Commission is asked to direct the establishment and maintenance of adequate and suitable station facilities for the traveling public at or near the site of the present station in the city of Lockport. The complaint is made against both the International Railway Company and the Buffalo, Lockport and Rochester Railway Company; answers have been filed by both respondents, whereby it appears that the Buffalo, Lockport and Rochester Railway Company is under no obligations to improve or re-build said station, but that the International Railway Company has assumed all lawful obligations and duties with reference thereto in a certain lease of the Buffalo and Lockport line of the Erie railroad made to said International Railway Company.

This case has been heard by the Commission at several hearings jointly with case No. 5038, which latter case involves the complaint of the City of Lockport against the International Railway Company and the Erie Railroad Company concerning said station; during the progress of said hearings negotiations have been had between the Commission and the parties with reference to the building of a new station in said city, or the remodeling and improvement of the present station; and finally a hearing was held by the Commission in the city of Lockport on the 26th day of May, 1916, at which Hon. John R. Earle, mayor, and Hon. Roy H. Ernst, corporation counsel, of the City of Lockport, appeared on behalf of the complainant in said case No. 5038, and represented the City of Lockport in this case; and Messrs. Cohn, Chormann and Franchot of Niagara Falls appeared as counsel for the International Railway Company; there was no personal appearance for the complainant in this case, but a communication was received from the complainant, who is engaged temporarily in the city of New York, which communication was filed as the complainant's appearance in this case; there was offered in evidence in both cases an agreement dated April 17, 1916, made and signed by the officials of the International Railway Company, and addressed to and accepted by the mayor and common council of the City of Lockport, whereby the said International Railway Company obligates itself to construct, at or near its present station at the southwest corner of West avenue and Transit street, in the said city of Lockport, during the year 1916, a new, modern and commodious passenger station, whose exterior walls shall be of brick or concrete, and which shall conform to the present ordinances of the City of Lockport in respect to fire limits; which said agreement is marked as an exhibit and filed with the papers in said case No. 5038; and the attorneys for the International Railway Company having thereupon informed the

Commission that the plans for said new station, which are now being made, and which will show the details of said station and station lay-out, will when completed be presented to the common council of the City of Lockport for its approval, after which such plans will be filed with this Commission; and the said complainant having in said communication consented to the closing of this case, by reason of said agreement of the International Railway Company to build a new station as aforesaid, but reserved the right to raise any objection to the said plan for the station and station lay-out, and particularly as to the occupation of streets in connection therewith, it is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, subject only to the consideration of such objections as may be made to said plans by the complainant in this case.

[Case No. 4250]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the BUFFALO GAS
COMPANY against IROQUOIS NATURAL GAS COMPANY
as to supplying gas for illuminating purposes in the
city of Buffalo.

This case has been before the Commission since April 17, 1914. The Buffalo Gas Company manufactures gas in the city of Buffalo and supplies the same to said city and the inhabitants thereof for illuminating and other purposes, and has so done for many years last past, pursuant to franchises and grants from the City of Buffalo for the laying and operation of its distributing system, and has an investment of several millions of dollars in said plant; such company filed its complaint with the Commission on April 17, 1914, alleging the above facts; and also complained that the respondent is the owner of certain franchises and grants from the City of Buffalo to lay its pipes for the distribution of natural gas through the streets of said city and furnish such gas to the inhabitants thereof for heating and fuel purposes only, and which said franchises and grants exclude the distribution of gas for illuminating purposes; that the respondent, disregarding such restriction, has for years distributed natural gas through the streets of said city to private consumers for illuminating purposes which has been so used by such consumers; and the complainant asks the Commission to make an order directing the respondent to refrain from the distribution of such natural gas in the city of Buffalo for illuminating purposes.

The Iroquois Natural Gas Company answered said complaint and filed the same with the Commission May 19, 1914, by which answer the respondent admits that the complainant manufactures and distributes illuminating gas in the city of Buffalo, and that the respondent has franchises and grants in said city to lay pipes for the purposes of conducting gas through the public places of said city, but denies that any of such franchises or grants exclude the distribution of gas for illuminating purposes, or that such franchises limit the respondent to conducting and distributing gas for fuel and heating purposes only.

Upon the issues thus framed a hearing was appointed in this case to be held in the city of Buffalo on the 3rd day of December, 1914, at which time Messrs. Rogers, Locke and Babcock, by Mr. Louis L. Babcock, appeared as

attorneys for the complainant; and Messrs. Kenefick, Cooke, Mitchell and Bass, by Hon. Daniel J. Kenefick, appeared as attorneys for the respondent; but said parties were not ready to proceed with the case herein, and the case was adjourned to January 8, 1915; for the same reason the hearing in the case has been adjourned from time to time at the request of said attorneys until Saturday, May 27, 1916, when a further hearing in this case was appointed at the office of the Commission in the city of Buffalo at 11 o'clock a. m., at which time representatives of said attorneys for both parties appeared and announced that they were not ready to proceed with the case; and it was agreed by them that this case be closed upon the records of the Commission, on condition however that the same may be reopened on the written request of the attorneys for either party, together with the assurance that the case will be proceeded with at a hearing to be thereafter appointed. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, on condition however that the same may be reopened upon the filing of a written request therefor by either party, coupled with the assurance that the case will be proceeded with at a hearing to be thereafter appointed.

[Case No. 4345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of HUDSON P. ROSE
against WESTCHESTER LIGHTING COMPANY as to
failure to extend its mains in the village of Hastings.

The parties hereto having filed with the Commission a stipulation in writing discontinuing the proceeding and consenting to the entry of an order to that effect without further notice to either party, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 4394]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the RANDOLPH LIGHT AND POWER COMPANY, INC., under sections 68, 69, and 70 of the Public Service Commissions Law for authority to acquire by transfer franchises and plant, mortgage its property, to issue bonds thereunder, and to issue capital stock.

Superseding
order.

Petition filed June 29, 1914; reports of electrical engineer dated July 16 and 21, 1914; form of proposed mortgage filed July 17, 1914; order entered July 28, 1914; petition filed April 21, 1915 (case No. 4921); report division of capitalization dated July 16, 1915 (case No. 4921); report electrical engineer dated November 24, 1915 (case No. 4921); final report division of capitalization dated December 17, 1915 (case No. 4921). Now therefore, upon the foregoing record,

Ordered as follows: 1. That this order supersedes the order of the Commission heretofore entered herein on the 28th day of July, 1914.

2. That the consent of this Commission is hereby given that the Randolph Electric Light and Power Company, a copartnership consisting of J. W. Grace and A. J. Woodworth, may transfer all its works, system, franchises, property, and other assets and liabilities as set forth in its petition herein verified the 8th day of June, 1914, to the Randolph Light and Power Company, Inc., for the capital stock of said Randolph Light and Power Company, Inc., to the amount part value of \$17,000.

3. That this Commission hereby permits and approves of the transfer to the said Randolph Light and Power Company, Inc., of the works, system, franchises, property, and other assets and liabilities owned by the copartnership operating under the name of the Randolph Electric Light and Power Company.

4. That the permission and approval of this Commission are hereby given to the Randolph Light and Power Company, Inc., for the exercise by said company of the rights and privileges for the construction, maintenance, and operation conferred by the written consents of the town boards and town superintendents of highways of the Towns of Conewango, Cattaraugus county, and Cherry Creek; and the board of trustees of the Village of Cherry Creek, Chautauqua county, certified copies of which written consents are annexed as exhibits E to G inclusive, and I and J of the petition herein.

5. That the Randolph Light and Power Company, Inc., is hereby authorized to issue \$17,000 par value of its capital stock.

6. That said stock of the par value of \$17,000 so authorized, or the proceeds thereof to the amount of at least \$17,000, shall be used solely and exclusively for the purchase of the works, system, and property of the Randolph Electric Light and Power Company.

7. That the Randolph Light and Power Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein, and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale;

(e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the opening balance sheet of the Randolph Light and Power Company, Inc., as of June 9, 1914, after the acquirement of property and the issuance of securities herein authorized, shall be as follows, except that the amounts shall be further detailed as may be necessitated by correct accounting and the requirements of the Uniform System of Accounts for Electrical Corporations, provided that such balance sheet may be varied as necessitated by legitimate corporate transactions between June 9, 1914, and the actual effective date of such reorganization:

Statement of Reported Assets and Liabilities June 9, 1914.

<i>Assets Side:</i>	
Fixed capital (including organization \$508.60).....	\$26,719.35
Cash on hand.....	176.80
Accounts receivable	1,369.25
Total assets side.....	\$28,265.40
<i>Liabilities Side:</i>	
Capital stock	\$17,000.00
Funded debt, real estate mortgage.....	6,000.00
Bills and accounts payable.....	5,265.40
Total liabilities side.....	\$28,265.40

provided further, that the books of the petitioner shall be opened in accordance with the requirements of the Uniform System of Accounts for Electrical Corporations, a copy of which shall be promptly served upon the company, and the amount debited to fixed capital shall be distributed between the appropriate subaccounts as required in paragraph 23, schedule A of said System of Accounts; and further, that within thirty days of the service of this order such books shall be so opened and a copy of the opening entry duly verified by the secretary of the corporation, and an explanation of the variations between such opening entry and the foregoing balance sheet, shall be submitted to the Commission.

9. That the company will within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4906]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of the EMPIRE GAS AND ELECTRIC COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue in amount \$100,000 of its common capital stock and to sell the same to the Empire Coke Company.

In the matter of the Application of the EMPIRE COKE COMPANY for authority pursuant to the provisions of section 70 of the Public Service Commissions Law to purchase in amount \$100,000 of the common capital stock of the Empire Gas and Electric Company.

In the matter of the Petition of the CENTRAL NEW YORK GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$100,000 of its common capital stock.

In the matter of the Application of the EMPIRE GAS AND ELECTRIC COMPANY for authority pursuant to the provisions of section 70 of the Public Service Commissions Law to purchase in amount \$100,000 of the common capital stock of the Central New York Gas and Electric Company.

First
amendatory
order.

Petition filed April 15, 1915; report of electrical engineer dated June 15, 1915; report of gas engineer dated June 17, 1915; order entered September 14, 1915; supplemental petition filed February 4, 1916; report of electrical engineer dated March 24, 1916; report of gas engineer dated May 10, 1916. By order herein dated September 14, 1915, the Central New York Gas and Electric Company was authorized to issue and sell at not less than the par value thereof \$100,000 of its common capital stock, and to use the proceeds realized from the sale of such stock for new construction as detailed in schedule D attached to the petition filed April 15, 1915. From verified report dated January 26, 1916, filed in accordance with the requirements of such order, it appears that all of the stock so authorized has been sold. The petitioner has however reported expenditures in some instances for more and others for less than the amounts specifically authorized in such order, and by supplemental petition dated January 26, 1916, the petitioner asks for a redistribution of the purposes for which the securities were authorized to agree with the actual expenditures. The supplemental petition has been referred to the electrical and gas engineers of the Commission, who have recommended in their reports dated March 24 and May 10, 1916, respectively, that the petition be granted. Now therefore, upon the foregoing record,

Ordered: That ordering clause No. 2 of the order heretofore entered herein on the 14th day of September, 1915, is hereby modified and amended by the substitution therefor of the following:

2. That such stock of the par value of \$100,000, or the proceeds thereof to the amount of \$100,000 shall be used solely and exclusively for new construction, as follows:

406 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Electric Department	
Land devoted to electric operations.....	\$324.00
General structures	880.18
Dams, canals, and pipe lines.....	137.24
Power plant buildings.....	566.29
Furnaces, boilers, and accessories.....	1,067.42
Turbines and water-wheels.....	8.94
Electric generators	432.75
Accessory electric power equipment.....	591.80
Miscellaneous power plant equipment.....	77.98
Sub-station buildings	55.09
Sub-station equipment	17,959.65
Poles and fixtures.....	14,793.83
Transmission system	10,876.46
Distribution system, overhead.....	16,010.26
Line transformers and devices.....	9,986.26
Electric services	5,510.26
Electric meters	5,627.53
Electric meter installation.....	53.99
Municipal street lighting system.....	12,310.51
Electric motors and heaters.....	925.86
Electric tools and implements.....	25.78
Electric laboratory equipment.....	143.97
Other tangible electric capital.....	31.04
	<hr/>
	\$98,392.69

Gas Department	
Franchise (gas)	\$24.00
General equipment	5.78
Works and station structures.....	39.80
Holders	401.23
Furnaces, boilers, and accessories.....	134.32
Water gas sets.....	2,297.77
Accessory equipment at works.....	7.84
Trunk lines and mains.....	4,509.16
Gas services	2,535.88
Gas meters	1,155.89
Gas meter installation.....	46.62
Gas tools and implements.....	11.67
Gas laboratory equipment.....	36.38
Other tangible gas capital.....	21.01
District steam heating plant.....	10,509.72
	<hr/>
	21,787.07
	<hr/>
	\$120,129.76

Amount unprovided for..... \$20,129.76

in so far as the same may be applicable, provided (a) that such stock or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical and Gas Corporations adopted by this Commission; (b) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (c) that there shall be no charge to fixed capital on account of services, engineering, supervision, or other items of like nature in connection with such construction except in so far as the same shall be performed by other than the regular officers and employees of the company or by such officers and employees who have been especially assigned to such construction work. No allowance is included herein, nor shall the proceeds herein authorized be expended for incidental services of the officers and employees of the petitioner, nor for the payment of any arbitrary percentage of operating expenses or income charges to cover the petitioner's estimate of the elements of the cost of such projects not charged originally to fixed capital, but made to operating expenses, as had been its custom to December 31, 1913, and to that date allowed by this Commission on the express condition that the petitioner discontinue the making of such charges since that date and base fixed capital charges only on direct costs properly substantiated. (d) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission.

Finally, it is determined and stated that in the opinion of this Commission the use of the proceeds of stock heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4921]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of the RANDOLPH LIGHT AND POWER COMPANY, INC., under sections 68 and 69 of the Public Service Commissions Law as to construction and exercise of franchise and issuing common and preferred stock, and as to cancellation of part of order in case No. 4394.

Supplemental
order.

Petition filed April 21, 1915; copies of franchises granted by Towns of Ellington and Conewango; and Villages of Cherry Creek, Randolph, and East Randolph, filed May 7, 1915; balance sheets of petitioner as of December 31, 1914, and March 31, 1915, filed July 4, 1915; hearing held July 14, 1915; report of division of capitalization dated July 16, 1915; order dated October 26, 1915; report of electrical engineer dated November 24, 1915; final report of division of capitalization dated December 17, 1915. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 17, 1915, which on the same date was sent to the corporation, such entries being listed in appendix C, pages 12 to 19 inclusive thereof, shall be entered upon the books of the Randolph Light and Power Company, Inc.; and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the Randolph Light and Power Company, Inc., is hereby authorized to issue \$15,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of at least \$15,000.

3. That said stock of the par value of \$15,000 so authorized, or the proceeds thereof to the amount of \$15,000, shall be used solely and exclusively for the discharge of indebtedness incurred on account of new construction, as shown on balance sheet as of May 31, 1915, on page 8 of the final report herein dated December 17, 1915, of the division of capitalization of the Commission, as follows:

(a) Funded debt, real estate mortgage.....	\$6 000.00
(b) Bills and accounts payable (G. M. Gest).....	8,950.48
(c) Bills and accounts payable (G. M. Gest) \$38,677.65, for which proceeds of stock heretofore authorized by order herein dated October 26, 1915, were insufficient by.....	6,677.65
	<hr/> \$21 628.13

Amount unprovided for..... \$6,628.13

4. That the Randolph Light and Power Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock

has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the Randolph Light and Power Company, Inc., shall amortize the amount hereinbefore required to be charged to "Suspense to be Amortized" as of May 31, 1915, by charges annually of \$500 to the account "Other Contractual Deductions from Income" until such suspense account shall have been completely amortized; provided that the company is authorized to amortize the said sum more rapidly than herein provided if it so desires, by crediting the account "Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount herein required; further provided that the corporate deficit shown in the final corrected balance sheet as of May 31, 1915, contained on page 8 of the final report of the division of capitalization dated December 17, 1915, may be earned out through income prior to the reduction of the account "Suspense to be Amortized".

6. That the Randolph Light and Power Company, Inc., shall within thirty days of the service of this order file with this Commission a rule governing its accruals to the reserve for accrued amortization of capital.

7. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

8. It is nevertheless expressly provided that in all respects other than as directed in ordering clauses Nos. 1, 5, and 6 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clauses Nos. 1, 5, and 6 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5038]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CITY OF LOCKPORT against INTERNATIONAL RAILWAY COMPANY and the ERIE RAILROAD COMPANY, asking that a new passenger station be constructed on the International railroad in Lockport.

This case was brought before the Commission on the petition of the City of Lockport which was filed June 22, 1915; the petition contains the allegations that the respondent, International Railway Company, operates an electric railway between the city of Buffalo and to and within the city of Lockport; that its station is located at the corner of West avenue and Transit street in said latter city, and that the Olcott Beach cars, so called, are also operated from said station, which is the only passenger station maintained by the respondent in said city; that the Buffalo, Lockport and Rochester Railway also operates a line of surface railroad between the city of Rochester and the easterly line of the city of Lockport, and that the cars of said company run through the streets of the city of Lockport to the said station, and on to the city of Buffalo; that the said station is not of sufficient size or of modern construction and equipment to accommodate the traffic, and that the sanitary accommodations at said station are inadequate; and the petitioner asks for an order of this Commission directing the establishment and maintenance of a suitable station on the present site which will be convenient and adequate for the traveling public. The respondent filed its answer to said petition on the 9th day of July, 1915, and the Erie Railroad Company filed its answer on the 19th day of July, 1915; the latter company alleges that its line of road between Buffalo and Lockport is operated under a lease to the International Railway Company, under the terms of which lease the International Railway Company is bound to perform all of the duties and obligations with respect to said leased road as may be required by the Commission. Since the filing of said complaint and answers several hearings have been appointed in this case; the first one on the 29th day of October, 1915, and said hearing has been adjourned from time to time; and certain proofs and proceedings have been taken and had as to the present condition of said station with reference to the convenience and adequacy of the same in serving the traveling public; during the progress of said hearings negotiations were had between the parties with reference to the building of a new station in said city or the remodeling and improvement of the present station; and finally, at the hearing held by the Commission in the city of Lockport on the 26th day of May, 1916, at which hearing Hon. John R. Earle, mayor, and Hon. Roy H. Ernst, corporation counsel, of the City of Lockport, appeared for the petitioners; and Messrs. Cohn, Chormann and Franchot of Niagara Falls appeared as the counsel for the International Railway Company; and there was offered in evidence an agreement dated April 17, 1916, made and signed by the officials of the International Railway Company, and addressed to and accepted by the mayor and common council of the City of Lockport, whereby the said International Railway Company obligates itself to construct, at or near its present station at the southwest corner of West avenue and Transit street in said city of Lockport, during the year 1916, a new, modern and commodious passenger station, whose exterior walls shall be of brick or concrete, and which shall conform to the present ordinances of the City of Lockport in

respect to fire limits, which said agreement was marked as an exhibit and filed with the papers in this case; and the attorneys for the International Railway Company having thereupon informed the Commission that the plans for said new station, which are now being made, and which will show the details of said station and station lay-out, will when completed be presented to the common council of the City of Lockport for its approval, after which such plans will be filed with this Commission; and upon the filing of said agreement the said representatives of the City of Lockport consented that this case be closed upon the records of the Commission, subject only to such objections to said plans as may be made by the complainant herein. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, subject only to the consideration of such objections as may be made to said plans by the complainant in this case.

[Case No. 5335]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of PERSONS USING A GRADE CROSSING OF THE UTICA AND BLACK RIVER RAILROAD, LESSOR, known as the Maynard crossing, in the town of Marey, Oneida county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, LESSEE, under section 53 of the Railroad Law (chapter 559, laws of 1915), asking that gates be placed at this crossing.

A complaint has been made alleging that additional protection is required at the highway grade crossing over the tracks of the St. Lawrence division of the New York Central railroad known as Maynard's, situated between Utica and Marcy. A hearing was held February 29, 1916, at Utica, and a personal inspection of the crossing was made by Chairman Van Santvoord on May 11, 1916, as a result of which it appears that additional protection is necessary to insure the safety of travelers on the highway. Now therefore

Ordered: That The New York Central Railroad Company be and hereby is required to station a flagman at Maynard's crossing, on its St. Lawrence division, who shall be on duty both day and night during the period from May 15th to October 15th inclusive, in each year.

[Case No. 5338]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Complaint of SUBSCRIBERS ON THE DEANSBORO, ONEIDA COUNTY, TELEPHONE EXCHANGE against WATERVILLE TELEPHONE COMPANY, protesting against alleged proposed discontinuance of the Deansboro exchange, and alleging that said exchange should be enlarged.

The Waterville Telephone Company contemplated closing its exchange at Deansboro, and serving its subscribers in Deansboro and neighborhood through its Waterville exchange. Complaint was made by subscribers against the proposed change, and a hearing held, at which it developed that although the effect of such change would be to give the Deansboro subscribers continuous service instead of daytime service which they had been receiving, they were for other reasons much opposed to the discontinuance of the Deansboro exchange. Certain subscribers and the engineers of the Commission have since been coöperating with the telephone company in an effort to reach some more satisfactory arrangement. As a result, the exchange has been moved from its former location to a drug store in Deansboro where continuous service is afforded, and representatives of the complainants announce the complainants satisfied. It is therefore

Ordered: That the case be and the same hereby is closed upon the records of the Commission.

[Case No. 5415]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of INTERNATIONAL PAPER COMPANY against THE DELAWARE AND HUDSON COMPANY, LEHIGH VALLEY RAILROAD COMPANY, ERIE RAILROAD COMPANY, as to rates on wrapping paper from Glens Falls and Fort Edward to North Tonawanda; and as to reparation.

In the above matter, and after service of the complaint, and the companies having answered, that of The Delaware and Hudson Company being informal; and after the receipt of a letter from representative of complainant in which it is stated "We understood the D. & H. were to present this claim to you, informally, and it was our intention to withdraw our complaint against all parties, but we apparently did not make it clear, having only mentioned the D. & H."; it is

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Ordered: That this complaint is hereby closed on the records of this Commission, without prejudice to application to reopen it within two years from the date when the shipments moved so far as reparation is concerned; and without prejudice to the filing of a new complaint at any time on the reasonableness of the rate.

[Case No. 5479]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of GREGORY ELECTRIC COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue \$8000 common capital stock.

Petition filed March 23, 1916; supplemental petition filed April 28, 1916; certified copy of amended articles of incorporation filed April 28, 1916; report of electrical engineer dated May 3, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Gregory Electric Company, Inc., is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$8000 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

2. That said stock of the par value of \$8000 so authorized, or the proceeds thereof to the amount of \$8000, shall be used for the construction of a three-phase transmission line from Heuvelton to Morristown, N. Y., a distance of approximately 15 miles, and the construction in the village of Morristown of a transformer station, as follows:

(a) 650 35-ft. poles.....	\$3,750.00
(b) 43 miles No. 6 bare copper wire.....	6,000.00
(c) Transformer station	500.00
(d) Crossarms, insulators, and brackets.....	1,500.00
(e) Miscellaneous construction expenditures.....	1,000.00
(f) Labor	2,500.00
	<hr/>
	\$15,250.00

Amount unprovided for..... \$7,250.00

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (f) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the

further order of this Commission; (4) that the unit prices contained in the supplemental petition herein filed April 28, 1916, are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations; (5) that the proceeds realized from the sale of stock herein authorized until used for the authorized purposes shall be either deposited to the credit of the company in a special bank account or otherwise kept separately. The purpose and intent of this provision is to require the segregation of stock proceeds from the company's other cash, so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein for which the proceeds of stock are authorized.

3. That the Gregory Electric Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized; and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period; (h) the amount remaining unexpended of the proceeds of stock sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (5) of ordering clause 2 of this order. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

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[Case No. 5531]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the RANDOLPH LIGHT AND POWER COMPANY, INC., under section 68 of the Public Service Commissions Law for authority to construct extensions of its electric lines in the town of Villenova, Chautauqua county, and the incorporated village of South Dayton, Cattaraugus county, and for approval of exercise of rights and privileges under franchises received from said town and village.

The petitioner, Randolph Light and Power Company, Inc., filed its petition in this proceeding on the 6th day of April, 1916, for permission to construct in the town of Villenova, Chautauqua county, and the village of South Dayton, Cattaraugus county, an electric plant, consisting of poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, and power; and for the approval of the exercise of franchises therefor: one received from the town board and town superintendent of highways of said Town of Villenova, the same having been signed by the town superintendent of highways November 26, 1915, and granted by said town board on March 31, 1916; and the other franchise being granted by the president and board of trustees of the Village of South Dayton and dated October 11, 1915; and thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before May 6, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Jamestown on the 19th day of May, 1916, at which hearing Mr. George A. Larkin of Olean appeared as attorney for the petitioner, and no one appearing in opposition thereto; and there being no objections filed with the Commission; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and now operates an electric lighting plant in several places, including the village of Cherry Creek, Chautauqua county; and pursuant to the said franchise has begun the construction of an electric power line from said Cherry Creek to South Dayton, which line will pass through a portion of the town of Cherry Creek, for which the petitioner obtained permission from this Commission in case No. 4921, and then is to pass through a portion of the town of Villenova, Chautauqua county, to and into the village of South Dayton, Cattaraugus county; that the village of South Dayton is wholly within the town of Dayton, and said village line borders the said town of Villenova; that the said franchise granted by the Town of Villenova contains the provision that the same should not become operative nor valid until the petitioner obtains the consent in writing of the owners of the farms upon the side of the Mile Strip Road upon which the poles are to be placed; that said Mile Strip Road is the highway connecting the villages of Cherry Creek and South Dayton, and the written consents of all of the owners of said farms have been obtained and were filed with the Commission as exhibits in this case at said hearing; that there was also filed at said hearing all of said original franchises above described, and the same are marked as exhibits herein; that the petitioner is desirous of constructing its electric distribution plants in accordance with said franchise granted by the Town of Villenova, and to furnish electricity for light, heat, and power

to the residents along the said highway in the town of Villenova; and also to construct in the village of South Dayton its electric plant for the purpose of furnishing electricity to the said village and the inhabitants thereof for light, heat, and power. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plants in the town of Villenova and village of South Dayton, and the exercise of said franchises therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval are hereby given to Randolph Light and Power Company, Inc., to construct, maintain, and operate the said electric plants in the town of Villenova and in the village of South Dayton, as follows: (a) To erect, construct, maintain, and replace all necessary electric light poles, wires, conduits, and fixtures therefor in, over, upon, and under the said public highway in the town of Villenova known as the Mile Strip Road, running from the town line of Cherry Creek to the village of South Dayton, and to use the said lines, appliances, and equipment so constructed and maintained for the transmission and distribution of electricity for light, heat, and power; (b) to erect, construct, maintain, and replace all necessary electric light poles, conduits, wires, and necessary fixtures therefor in, over, under, and upon any of the streets, avenues, lines, and public grounds of the village of South Dayton, now in use or hereafter opened and used in said village, and to install, maintain, and operate an electric light plant with its necessary equipment in said village for the purpose of furnishing and selling electricity to the said village and the inhabitants thereof for light, heat, and power.

2. That permission and approval are hereby given to the said Randolph Light and Power Company, Inc., to exercise all the rights and privileges so conferred by the said franchises granted as aforesaid by the town board and town superintendent of highways of the Town of Villenova, and the said president and board of trustees of the Village of South Dayton, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5550]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of FRANK A. RAYMOND under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Jamestown, it being proposed that the route shall also be operated between the city of Jamestown and the incorporated village of East Randolph, Cattaraugus county.

The petitioner in this case has applied to the Commission under the provisions of chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses over streets

in the city of Jamestown as a part of a route running between said city and the village of East Randolph, Cattaraugus county, which is about fifteen miles distant, and said route is proposed to be operated over a state highway between the village of East Randolph and the city of Jamestown, running through East Randolph, Randolph, Kennedyville, and Falconer; it appears from the proofs and proceedings taken and had on the hearing in this case which was held in the city of Jamestown on the 19th day of May, 1916, that the village of East Randolph contains about eight hundred population, Randolph about twelve hundred, Kennedyville about six hundred, and Falconer about thirty-five hundred; Jamestown is a city of about forty thousand inhabitants; at the present time there are no public transportation facilities between East Randolph and Jamestown except a morning and evening train each way on the Erie railroad, and the people living along said highway are accustomed to do much of their business in Jamestown; Falconer is a flourishing suburb of the city of Jamestown, just outside of the city, to which the Jamestown Street Railway system is extended, and a fare of five cents is charged for a ride on said street railway between Falconer and said city; at said hearing Mr. John G. Wicks appeared for the petitioner; and Mr. A. N. Broadhead the president, and Messrs. Fisher and Fisher the attorneys, for the Jamestown Street Railway Company, appeared in opposition to the granting of said certificate: because, as they stated, the operation of said auto bus would tend to reduce the revenues of the street car company; several residents of the village of Falconer also opposed the granting of said certificate, and stated as their reason that the people of the village now receive good service by the street railway company and would not patronize the auto bus line; the proposed route through the city of Jamestown is over Second and Third streets where the trolley line operates its cars, and strenuous objection was made by the street railway company to the carrying of passengers by the petitioner from point to point within the city of Jamestown; and the further objection was made that the Commission should not authorize the carrying of any local passengers by said auto bus between the village of Falconer and the city of Jamestown. It was pointed out to the said objectors that the Commission had no jurisdiction over such auto bus route outside of a city, and that if the people of Falconer were satisfied with the street railway service and would not patronize the auto bus of the petitioner, the operation of such auto bus would not interfere with the business of the street railway company, but the further objection was made that the Village of Falconer did not want the petitioner's auto bus to pass through the village over the state highway; the answer to this objection is that within proper limitations the authorities of the Village of Falconer may exercise its police powers over the use of its streets. The action of the common council of the City of Jamestown, together with the approval of the mayor of said city, granting to the petitioner herein a permit for the operation of auto busses from the easterly city line of Jamestown along Second street to East Third street, thence along East Third street to West Third street, thence along West Third street to Washington street, the terminus of said route, was offered in evidence and marked as an exhibit in this case. This Commission therefore hereby certifies that public convenience and necessity require the operation by Frank A. Raymond, the petitioner, of an auto bus line or route, as provided in the permit heretofore granted by the common council of the City of Jamestown, and approved by the mayor thereof, through a portion of the streets of the city of Jamestown, to wit: Commencing at the easterly line of the city of Jamestown in Second street, and running thence along Second street to East Third street, thence along East Third street to West Third street, thence along West Third street to Washington street, the terminus of said route. This certificate is granted subject to all the terms and conditions of the permit hereinbefore mentioned, and subject to all present and future ordinances of the said City of Jamestown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of the Commission. This certificate shall not be deemed to authorize the carrying of any passengers over said route from one point to another within the city of Jamestown, but is intended

solely for the transportation of passengers over said route or any part thereof between any point in the city of Jamestown and the village of East Randolph; and this certificate shall be of no force or effect until the petitioner herein shall file with the Commission his duly executed acceptance of the same and of each and every part and condition thereof.

[Case No. 5565]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under section 55 of the Public Service Commissions Law for permission to execute an equipment trust lease and agreement of assignment of lease, and for permission to guarantee an issue of $4\frac{1}{2}$ equipment trust certificates for \$1,250,000, to be known as Series DD.

Petition dated May 1, 1916; report of division of steam roads dated May 22, 1916; report of division of capitalization dated May 22, 1916; hearing held May 24, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to execute and deliver a certain agreement of lease of equipment dated May 31, 1916, with Edward T. Stotesbury of Philadelphia, Penna.; and to execute and deliver to the Commercial Trust Company, trustee, a certain agreement of assignment of lease between Edward T. Stotesbury, the Commercial Trust Company, trustee, and the petitioner herein dated June 1, 1916, to secure an issue of \$1,250,000 face value of ten-year gold equipment trust certificates to be known as Series DD, bearing interest at the rate of $4\frac{1}{2}$ per cent per annum payable semiannually on the first days of December and June in each year, which certificates mature serially on the dates set forth in said lease and agreement of assignment of lease, copies of which lease of equipment and assignment of lease are filed in this case as exhibit I; and the forms of such agreements are hereby approved, and the petitioner is further authorized to endorse on each of said certificates its guarantee for the prompt payment of the principal thereof and the interest thereon.

2. That upon the execution and delivery of said agreement of lease and agreement of assignment of lease herein authorized there shall be filed with this Commission verified copies in the forms in which they were executed and delivered, together with the affidavit by the president or other executive officer of the company stating that the agreement of lease and agreement of assignment of lease as executed and delivered are the same as herein approved by this Commission.

3. That said equipment trust certificates of a total face value of \$1,250,000 shall be sold at not less than 99 per cent of their face value and accrued interest, to give net proceeds of at least \$1,237,500.

4. That said equipment trust certificates herein authorized of a total face value of \$1,250,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 1000 fifty-ton self-clearing hopper cars, con-

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structed by Standard Steel Car Company, Nos. 22600 to 23599 inclusive; 3 2-10-2 type locomotives, constructed by Lima Locomotive Corporation, Nos. 4039 to 4041 inclusive. Estimated cost of equipment which is to be covered by lease, \$1,532,585.36. Amount to be provided through cash payment by petitioner, \$282,585.36; face value of securities herein authorized, \$1,250,000: \$1,532,585.36.

5. That if the said certificates of a total face value of \$1,250,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,250,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such certificates were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5573]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ERIE RAILROAD
COMPANY for consent to the issue of \$2,380,000 of
general lien bonds under its first consolidated mort-
gage deed dated December 10, 1895.

Petition filed May 23, 1916; report of division of capitalization dated May 23, 1916; hearing held May 24, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby author-
ized, pursuant to the provisions of section 55 of the Public Service Commis-

sions Law, to issue \$2,380,000 face value of its 4 per cent 100-year general lien bonds under a certain indenture dated December 10, 1895, given to The Farmers Loan and Trust Company as trustee, to secure an issue of a total face value of \$175,000,000.

2. That the bonds thus authorized to be issued may be either sold or used in exchange as hereinafter provided: if sold, the price realized shall be not less than 70 per cent of the face value of the bonds plus accrued interest; and if used in exchange as hereinafter provided, the exchange price shall be not less than that last above mentioned.

3. That the bonds thus authorized, and as well the proceeds thereof, may be used in part or the whole thereof for either of the following purposes: (a) in exchange for \$2,380,000 7 per cent bonds of the Buffalo, New York and Erie Railroad Company, an underlying issue which matures June 1, 1916; (b) for the purchase of the aforesaid underlying bonds; (c) for the discharge of lawful refunding or current debt which may be incurred in the reacquisition of such maturing bonds; (d) for the reimbursement of the treasury for moneys expended therefrom for the purchase of the above mentioned underlying bonds.

4. That if the said bonds of the total face value of \$2,380,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$2,380,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to or with whom such bonds were sold or exchanged; (c) what proceeds were realized from such sale or the amount face value of bonds received in exchange; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or otherwise disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or otherwise disposed of or proceeds expended the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, May, 1916.

No. 5980; May 1, 1916; Erie Railroad Company:

Ordered: That under its application of date April 29, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and joint freight tariff on Limestone, Ground, in carloads, minimum weight forty thousand pounds, said tariff to cancel its local freight tariff on said commodity, in carloads, P. S. C., 2 N. Y., No. 3556, reissuing the matter contained

therein without change and establishing rate of one dollar and thirty-two cents per ton of two thousand pounds to apply from Black Rock, N. Y., Buffalo Lake, N. Y., Buffalo Town, N. Y., East Buffalo, N. Y., Main Street, Buffalo, N. Y., and Walden Avenue, Buffalo, N. Y., via Kanona, N. Y., and the Kanona and Prattsburgh railway to Bean's, N. Y., Prattsburgh, N. Y., Stickney, N. Y., and Wheeler, N. Y., and via Bath, N. Y., and the Bath and Hammondsport railroad to Rheims, N. Y., and Hammondsport, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3595, effective May 4, 1916.

No 3981: April 29, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date April 26, 1916, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and under an effective date not earlier than June 1, 1916, a supplement to his tariff P. S. C. 2 N. Y., O. C. No. 42, said supplement to supersede supplement No. 6, reissuing matter contained without change except as to items 1, 2, and 3 on page two, changing same to read as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. O. C. No. 42, effective June 1, 1916.

No 3982, May 2, 1916, Buffalo Lockport and Rochester Railway Company:

Ordered: That under his application of date May 1, 1916, the Buffalo Lockport and Rochester Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice a new tariff of class and commodity rates as set forth in P. S. C. No. 21, said tariff to contain rates, rules and regulations as set out in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 21 effective May 5, 1916.

No 3983, May 2, 1916, Delaware and Northern Railway Company:

Ordered: That under his application of date May 1, 1916, the Delaware and Northern Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not earlier than May 25, 1916, a new tariff of class and commodity rates as set forth in P. S. C. No. 156, said tariff to take effect May 25, 1916, and to contain rates, rules and regulations as set forth in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 156 effective May 25, 1916.

No 3984, May 2, 1916, The New York Central and Hudson River Railroad Company:

Ordered: That under his application of date May 1, 1916, The New York Central and Hudson River Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not earlier than May 25, 1916, a new tariff of class and commodity rates as set forth in P. S. C. No. 156, said tariff to take effect May 25, 1916, and to contain rates, rules and regulations as set forth in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 1258, effective May 6, 1916.

No. 5985; May 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said supplement to make no other change than to postpone, as to New York state traffic, the taking of effect of rules 13 and 13 (a) as shown on page six of supplement No. 6 to said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2483, filed May 8, 1916.

No. 5986; May 2, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date May 1, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 667, said supplement to make no other change than to postpone, as to New York state traffic, the taking of effect of rules 14 and 14 (a) as shown on page five of supplement No. 5 to said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 8 to P. S. C. W. S. No. 667, filed May 8, 1916.

No. 5987; May 2, 1916; Carl Howe, Agent:

Ordered: That under his application of date May 1, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a revision of page seventy of said tariff, his P. S. C., 2 N. Y., No. 2, said revised page to make no other change than to postpone, as to New York state traffic, the taking of effect of Rules 14 and 14 (a) and explanation of reference mark "(2)" as shown on sixth revised page seventy of said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated

therein without change and establishing rate of one dollar and thirty-two cents per ton of two thousand pounds to apply from Black Rock, N. Y., Buffalo Lake, N. Y., Buffalo Town, N. Y., East Buffalo, N. Y., Main Street, Buffalo, N. Y., and Walden Avenue, Buffalo, N. Y., via Kanona, N. Y., and the Kanona and Prattsburgh railway to Bean's, N. Y., Prattsburgh, N. Y., Stickneys, N. Y., and Wheeler, N. Y., and via Bath, N. Y., and the Bath and Hammonsport railroad to Rheims, N. Y., and Hammondsport, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3595, effective May 4, 1916.

No. 5981; April 29, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date April 26, 1916, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and under an effective date not earlier than June 1, 1916, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, said supplement to supersede supplement No. 6, reissuing matter contained without change except as to items 1, 2, and 3 on page two, changing same to read as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. O. C. No. 43, effective June 1, 1916.

No. 5982; May 2, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application of date May 1, 1916, the Buffalo, Lockport and Rochester Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint freight tariff of class and commodity rates as its P. S. C., 2 N. Y., No. 21, said tariff to contain rates, rules, and regulations as per exhibit made a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 21, effective May 8, 1916.

No. 5983; May 2, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date May 1, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not earlier than May 15, 1916, a local commodity tariff on Lumber, in carloads, minimum weight forty thousand pounds, said tariff to cancel its P. S. C., 2 N. Y., No. 158, filed to take effect May 15, 1916, reissuing the matter contained therein without change except to eliminate Shavertown, N. Y., as a point from which the tariff applies, and substitute therefor Shinhopple, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 159, effective May 15, 1916.

No. 5984; May 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff on Wood Pulp, Wood Pulp Screenings, and Sulphite Pulp, carloads, minimum weight forty thousand pounds, from Fulton, N. Y., over its line and the West Shore railroad to Newark, N. Y., at rate of six and three-tenths

cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 1258, effective May 6, 1916.

No. 5985; May 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said supplement to make no other change than to postpone, as to New York state traffic, the taking of effect of rules 13 and 13 (a) as shown on page six of supplement No. 6 to said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2483, filed May 8, 1916.

No. 5986; May 2, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date May 1, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 667, said supplement to make no other change than to postpone, as to New York state traffic, the taking of effect of rules 14 and 14 (a) as shown on page five of supplement No. 5 to said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 8 to P. S. C. W. S. No. 667, filed May 8, 1916.

No. 5987; May 2, 1916; Carl Howe, Agent:

Ordered: That under his application of date May 1, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a revision of page seventy of said tariff, his P. S. C., 2 N. Y., No. 2, said revised page to make no other change than to postpone, as to New York state traffic, the taking of effect of Rules 14 and 14 (a) and explanation of reference mark "(2)" as shown on sixth revised page seventy of said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated

412 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Ordered: That this complaint is hereby closed on the records of this Commission, without prejudice to application to reopen it within two years from the date when the shipments moved so far as reparation is concerned; and without prejudice to the filing of a new complaint at any time on the reasonableness of the rate.

[Case No. 5479]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of GREGORY ELECTRIC COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue \$8000 common capital stock.

Petition filed March 23, 1916; supplemental petition filed April 28, 1916; certified copy of amended articles of incorporation filed April 28, 1916; report of electrical engineer dated May 3, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Gregory Electric Company, Inc., is hereby authorized, pursuant to the provisions of section 69 of the Public Service Commissions Law, to issue \$8000 par value of its common capital stock which shall be sold at a price not less than the par value thereof.

2. That said stock of the par value of \$8000 so authorized, or the proceeds thereof to the amount of \$8000, shall be used for the construction of a three-phase transmission line from Heuvelton to Morristown, N. Y., a distance of approximately 15 miles, and the construction in the village of Morristown of a transformer station, as follows:

(a) 650 35-ft. poles.....	\$3,750.00
(b) 45 miles No. 6 bare copper wire.....	6,000.00
(c) Transformer station	500.00
(d) Crossarms, insulators, and brackets.....	1,500.00
(e) Miscellaneous construction expenditures.....	1,000.00
(f) Labor	2,500.00
	<hr/>
	\$15,250.00

Amount unprovided for..... \$7,250.00

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (f) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the

further order of this Commission; (4) that the unit prices contained in the supplemental petition herein filed April 28, 1916, are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations; (5) that the proceeds realized from the sale of stock herein authorized until used for the authorized purposes shall be either deposited to the credit of the company in a special bank account or otherwise kept separately. The purpose and intent of this provision is to require the segregation of stock proceeds from the company's other cash, so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein for which the proceeds of stock are authorized.

3. That the Gregory Electric Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized; and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period; (h) the amount remaining unexpended of the proceeds of stock sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (5) of ordering clause 2 of this order. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

414 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5531]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the RANDOLPH LIGHT AND POWER COMPANY, INC., under section 68 of the Public Service Commissions Law for authority to construct extensions of its electric lines in the town of Villenova, Chautauqua county, and the incorporated village of South Dayton, Cattaraugus county, and for approval of exercise of rights and privileges under franchises received from said town and village.

The petitioner, Randolph Light and Power Company, Inc., filed its petition in this proceeding on the 6th day of April, 1916, for permission to construct in the town of Villenova, Chautauqua county, and the village of South Dayton, Cattaraugus county, an electric plant, consisting of poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, and power; and for the approval of the exercise of franchises therefor: one received from the town board and town superintendent of highways of said Town of Villenova, the same having been signed by the town superintendent of highways November 26, 1915, and granted by said town board on March 31, 1916; and the other franchise being granted by the president and board of trustees of the Village of South Dayton and dated October 11, 1915; and thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before May 6, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Jamestown on the 19th day of May, 1916, at which hearing Mr. George A. Larkin of Olean appeared as attorney for the petitioner, and no one appearing in opposition thereto; and there being no objections filed with the Commission; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and now operates an electric lighting plant in several places, including the village of Cherry Creek, Chautauqua county; and pursuant to the said franchise has begun the construction of an electric power line from said Cherry Creek to South Dayton, which line will pass through a portion of the town of Cherry Creek, for which the petitioner obtained permission from this Commission in case No. 4921, and then is to pass through a portion of the town of Villenova, Chautauqua county, to and into the village of South Dayton, Cattaraugus county; that the village of South Dayton is wholly within the town of Dayton, and said village line borders the said town of Villenova; that the said franchise granted by the Town of Villenova contains the provision that the same should not become operative nor valid until the petitioner obtains the consent in writing of the owners of the farms upon the side of the Mile Strip Road upon which the poles are to be placed; that said Mile Strip Road is the highway connecting the villages of Cherry Creek and South Dayton, and the written consents of all of the owners of said farms have been obtained and were filed with the Commission as exhibits in this case at said hearing; that there was also filed at said hearing all of said original franchises above described, and the same are marked as exhibits herein; that the petitioner is desirous of constructing its electric distribution plants in accordance with said franchise granted by the Town of Villenova, and to furnish electricity for light, heat, and power

to the residents along the said highway in the town of Villenova; and also to construct in the village of South Dayton its electric plant for the purpose of furnishing electricity to the said village and the inhabitants thereof for light, heat, and power. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plants in the town of Villenova and village of South Dayton, and the exercise of said franchises therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval are hereby given to Randolph Light and Power Company, Inc., to construct, maintain, and operate the said electric plants in the town of Villenova and in the village of South Dayton, as follows: (a) To erect, construct, maintain, and replace all necessary electric light poles, wires, conduits, and fixtures therefor in, over, upon, and under the said public highway in the town of Villenova known as the Mile Strip Road, running from the town line of Cherry Creek to the village of South Dayton, and to use the said lines, appliances, and equipment so constructed and maintained for the transmission and distribution of electricity for light, heat, and power; (b) to erect, construct, maintain, and replace all necessary electric light poles, conduits, wires, and necessary fixtures therefor in, over, under, and upon any of the streets, avenues, lines, and public grounds of the village of South Dayton, now in use or hereafter opened and used in said village, and to install, maintain, and operate an electric light plant with its necessary equipment in said village for the purpose of furnishing and selling electricity to the said village and the inhabitants thereof for light, heat, and power.

2. That permission and approval are hereby given to the said Randolph Light and Power Company, Inc., to exercise all the rights and privileges so conferred by the said franchises granted as aforesaid by the town board and town superintendent of highways of the Town of Villenova, and the said president and board of trustees of the Village of South Dayton, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5550]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of FRANK A. RAYMOND under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Jamestown, it being proposed that the route shall also be operated between the city of Jamestown and the incorporated village of East Randolph, Cattaraugus county.

The petitioner in this case has applied to the Commission under the provisions of chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses over streets

in the city of Jamestown as a part of a route running between said city and the village of East Randolph, Cattaraugus county, which is about fifteen miles distant, and said route is proposed to be operated over a state highway between the village of East Randolph and the city of Jamestown, running through East Randolph, Randolph, Kennedyville, and Falconer; it appears from the proofs and proceedings taken and had on the hearing in this case which was held in the city of Jamestown on the 19th day of May, 1916, that the village of East Randolph contains about eight hundred population, Randolph about twelve hundred, Kennedyville about six hundred, and Falconer about thirty-five hundred; Jamestown is a city of about forty thousand inhabitants; at the present time there are no public transportation facilities between East Randolph and Jamestown except a morning and evening train each way on the Erie railroad, and the people living along said highway are accustomed to do much of their business in Jamestown; Falconer is a flourishing suburb of the city of Jamestown, just outside of the city, to which the Jamestown Street Railway system is extended, and a fare of five cents is charged for a ride on said street railway between Falconer and said city; at said hearing Mr. John G. Wicks appeared for the petitioner; and Mr. A. N. Broadhead the president, and Messrs. Fisher and Fisher the attorneys, for the Jamestown Street Railway Company, appeared in opposition to the granting of said certificate: because, as they stated, the operation of said auto bus would tend to reduce the revenues of the street car company; several residents of the village of Falconer also opposed the granting of said certificate, and stated as their reason that the people of the village now receive good service by the street railway company and would not patronize the auto bus line; the proposed route through the city of Jamestown is over Second and Third streets where the trolley line operates its cars, and strenuous objection was made by the street railway company to the carrying of passengers by the petitioner from point to point within the city of Jamestown; and the further objection was made that the Commission should not authorize the carrying of any local passengers by said auto bus between the village of Falconer and the city of Jamestown. It was pointed out to the said objectors that the Commission had no jurisdiction over such auto bus route outside of a city, and that if the people of Falconer were satisfied with the street railway service and would not patronize the auto bus of the petitioner, the operation of such auto bus would not interfere with the business of the street railway company, but the further objection was made that the Village of Falconer did not want the petitioner's auto bus to pass through the village over the state highway; the answer to this objection is that within proper limitations the authorities of the Village of Falconer may exercise its police powers over the use of its streets. The action of the common council of the City of Jamestown, together with the approval of the mayor of said city, granting to the petitioner herein a permit for the operation of auto busses from the easterly city line of Jamestown along Second street to East Third street, thence along East Third street to West Third street, thence along West Third street to Washington street, the terminus of said route, was offered in evidence and marked as an exhibit in this case. This Commission therefore hereby certifies that public convenience and necessity require the operation by Frank A. Raymond, the petitioner, of an auto bus line or route, as provided in the permit heretofore granted by the common council of the City of Jamestown, and approved by the mayor thereof, through a portion of the streets of the city of Jamestown, to wit: Commencing at the easterly line of the city of Jamestown in Second street, and running thence along Second street to East Third street, thence along East Third street to West Third street, thence along West Third street to Washington street, the terminus of said route. This certificate is granted subject to all the terms and conditions of the permit hereinbefore mentioned, and subject to all present and future ordinances of the said City of Jamestown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of the Commission. This certificate shall not be deemed to authorize the carrying of any passengers over said route from one point to another within the city of Jamestown, but is intended

solely for the transportation of passengers over said route or any part thereof between any point in the city of Jamestown and the village of East Randolph; and this certificate shall be of no force or effect until the petitioner herein shall file with the Commission his duly executed acceptance of the same and of each and every part and condition thereof.

[Case No. 5565]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under section 55 of the Public Service Commissions Law for permission to execute an equipment trust lease and agreement of assignment of lease, and for permission to guarantee an issue of $4\frac{1}{2}$ equipment trust certificates for \$1,250,000, to be known as Series DD.

Petition dated May 1, 1916; report of division of steam roads dated May 22, 1916; report of division of capitalization dated May 22, 1916; hearing held May 24, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized, pursuant to the provisions of section 55 of the Public Service Commissions Law, to execute and deliver a certain agreement of lease of equipment dated May 31, 1916, with Edward T. Stotesbury of Philadelphia, Penna.; and to execute and deliver to the Commercial Trust Company, trustee, a certain agreement of assignment of lease between Edward T. Stotesbury, the Commercial Trust Company, trustee, and the petitioner herein dated June 1, 1916, to secure an issue of \$1,250,000 face value of ten-year gold equipment trust certificates to be known as Series DD, bearing interest at the rate of $4\frac{1}{2}$ per cent per annum payable semiannually on the first days of December and June in each year, which certificates mature serially on the dates set forth in said lease and agreement of assignment of lease, copies of which lease of equipment and assignment of lease are filed in this case as exhibit I; and the forms of such agreements are hereby approved, and the petitioner is further authorized to endorse on each of said certificates its guarantee for the prompt payment of the principal thereof and the interest thereon.

2. That upon the execution and delivery of said agreement of lease and agreement of assignment of lease herein authorized there shall be filed with this Commission verified copies in the forms in which they were executed and delivered, together with the affidavit by the president or other executive officer of the company stating that the agreement of lease and agreement of assignment of lease as executed and delivered are the same as herein approved by this Commission.

3. That said equipment trust certificates of a total face value of \$1,250,000 shall be sold at not less than 99 per cent of their face value and accrued interest, to give net proceeds of at least \$1,237,500.

4. That said equipment trust certificates herein authorized of a total face value of \$1,250,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 1000 fifty-ton self-clearing hopper cars, con-

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structed by Standard Steel Car Company, Nos. 22600 to 23599 inclusive; 3 2-10-2 type locomotives, constructed by Lima Locomotive Corporation, Nos. 4039 to 4041 inclusive. Estimated cost of equipment which is to be covered by lease, \$1,532,585.36. Amount to be provided through cash payment by petitioner, \$282,585.36; face value of securities herein authorized, \$1,250,000: \$1,532,585.36.

5. That if the said certificates of a total face value of \$1,250,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,250,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such certificates were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5573]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of May, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ERIE RAILROAD
COMPANY for consent to the issue of \$2,380,000 of
general lien bonds under its first consolidated mort-
gage deed dated December 10, 1895.

Petition filed May 23, 1916; report of division of capitalization dated May
23, 1916; hearing held May 24, 1916. Now therefore, upon the foregoing
record,

Ordered as follows: 1. That the Erie Railroad Company is hereby author-
ized, pursuant to the provisions of section 55 of the Public Service Commis-

sions Law, to issue \$2,380,000 face value of its 4 per cent 100-year general lien bonds under a certain indenture dated December 10, 1895, given to The Farmers Loan and Trust Company as trustee, to secure an issue of a total face value of \$175,000,000.

2. That the bonds thus authorized to be issued may be either sold or used in exchange as hereinafter provided: if sold, the price realized shall be not less than 70 per cent of the face value of the bonds plus accrued interest; and if used in exchange as hereinafter provided, the exchange price shall be not less than that last above mentioned.

3. That the bonds thus authorized, and as well the proceeds thereof, may be used in part or the whole thereof for either of the following purposes: (a) in exchange for \$2,380,000 7 per cent bonds of the Buffalo, New York and Erie Railroad Company, an underlying issue which matures June 1, 1916; (b) for the purchase of the aforesaid underlying bonds; (c) for the discharge of lawful refunding or current debt which may be incurred in the reacquisition of such maturing bonds; (d) for the reimbursement of the treasury for moneys expended therefrom for the purchase of the above mentioned underlying bonds.

4. That if the said bonds of the total face value of \$2,380,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$2,380,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to or with whom such bonds were sold or exchanged; (c) what proceeds were realized from such sale or the amount face value of bonds received in exchange; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or otherwise disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or otherwise disposed of or proceeds expended the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, May, 1916.

No. 5980; May 1, 1916; Erie Railroad Company:

Ordered: That under its application of date April 29, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and joint freight tariff on Limestone, Ground, in carloads, minimum weight forty thousand pounds, said tariff to cancel its local freight tariff on said commodity, in carloads, P. S. C., 2 N. Y., No. 3558, reissuing the matter contained

therein without change and establishing rate of one dollar and thirty-two cents per ton of two thousand pounds to apply from Black Rock, N. Y., Buffalo Lake, N. Y., Buffalo Town, N. Y., East Buffalo, N. Y., Main Street, Buffalo, N. Y., and Walden Avenue, Buffalo, N. Y., via Kanona, N. Y., and the Kanona and Prattsburgh railway to Bean's, N. Y., Prattsburgh, N. Y., Stickneys, N. Y., and Wheeler, N. Y., and via Bath, N. Y., and the Bath and Hammondsport railroad to Rheims, N. Y., and Hammondsport, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3595, effective May 4, 1916.

No. 5981; April 29, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date April 26, 1916, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and under an effective date not earlier than June 1, 1916, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, said supplement to supersede supplement No. 6, reissuing matter contained without change except as to items 1, 2, and 3 on page two, changing same to read as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. O. C. No. 43, effective June 1, 1916.

No. 5982; May 2, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application of date May 1, 1916, the Buffalo, Lockport and Rochester Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint freight tariff of class and commodity rates as its P. S. C., 2 N. Y., No. 21, said tariff to contain rates, rules, and regulations as per exhibit made a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 21, effective May 8, 1916.

No. 5983; May 2, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date May 1, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not earlier than May 15, 1916, a local commodity tariff on Lumber, in carloads, minimum weight forty thousand pounds, said tariff to cancel its P. S. C., 2 N. Y., No. 158, filed to take effect May 15, 1916, reissuing the matter contained therein without change except to eliminate Shavertown, N. Y., as a point from which the tariff applies, and substitute therefor Shinhopple, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 159, effective May 15, 1916.

No. 5984; May 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff on Wood Pulp, Wood Pulp Screenings, and Sulphite Pulp, carloads, minimum weight forty thousand pounds, from Fulton, N. Y., over its line and the West Shore railroad to Newark, N. Y., at rate of six and three-tenths

cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 1258, effective May 6, 1916.

No. 5985; May 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said supplement to make no other change than to postpone, as to New York state traffic, the taking of effect of rules 13 and 13 (a) as shown on page six of supplement No. 6 to said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2483, filed May 8, 1916.

No. 5986; May 2, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date May 1, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 667, said supplement to make no other change than to postpone, as to New York state traffic, the taking of effect of rules 14 and 14 (a) as shown on page five of supplement No. 5 to said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 8 to P. S. C. W. S. No. 667, filed May 8, 1916.

No. 5987; May 2, 1916; Carl Howe, Agent:

Ordered: That under his application of date May 1, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a revision of page seventy of said tariff, his P. S. C., 2 N. Y., No. 2, said revised page to make no other change than to postpone, as to New York state traffic, the taking of effect of Rules 14 and 14 (a) and explanation of reference mark "(2)" as shown on sixth revised page seventy of said tariff from May 10, 1916, until the 29th day of August, 1916, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, by order dated

April 20, 1916, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules and having made a corresponding postponement of said rules pending hearing and decision thereon.

Completed by supplement No. 9 to P. S. C. No. 2, filed May 17, 1916.

No. 5988; May 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 2, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon one day's notice and effective not earlier than May 7, 1916, a supplement to its tariff of extra fares, P. S. C., 2 N. Y., N. Y. C. No. 7, said supplement to provide the regulations (made necessary by change in train operation) under which tickets are sold for and honored on its train No. 17 from New York to stopping points upon its line, as per exhibit accompanying and made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 10 to P. S. C. N. Y. C. No. 7, effective May 7, 1916.

No. 5989; May 3, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date May 2, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice and under an effective date not earlier than May 15, 1916, a supplement to its Exceptions to Official Classification, G. O. P. S. C., 2 N. Y., No. 861, said supplement to make no other change than in the classification of articles shown in item 327 on page 79 of tariff, changing same from "sixth class" to "same as roofing paper". This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to G. O. P. S. C. No. 861, effective May 15, 1916.

No. 5990; May 4, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 3, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Unburned Ground Limestone, in carloads, minimum weight forty thousand pounds, from Gouverneur, N. Y., and Ogdensburg, N. Y., over its line via Norwood, N. Y., Rutland railroad via Moira, N. Y., and New York Central railroad to Ironton, N. Y., Helena, N. Y., Nyando, N. Y., Dickinson Center, N. Y., St. Regis Falls, N. Y., Santa Clara, N. Y., Spring Cove, N. Y., Downey, N. Y., LeBoeuf, N. Y., Meno, N. Y., Brandon, N. Y., Bay Pond, N. Y., Derrick, N. Y., and Kildare, N. Y., at rate of one dollar and thirty-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2440, effective May 15, 1916.

No. 5991; May 4, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 3, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity

tariff on Common, Flat Flooring, Roofing, Paving, and Building Brick, in carloads, minimum weight fifty thousand pounds, from Corning, N. Y., over its line via Auburn, N. Y., and the Central New York Southern railroad to Ithaca, N. Y., at rate of eighty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2121, effective May 11, 1916.

No. 5992; May 4, 1916; The Ulster and Delaware Railroad Company:

Ordered: That under its application of date May 3, 1916, The Ulster and Delaware Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a local commodity tariff on Skim Milk, in forty-quart cans, any quantity, said tariff to cancel its P. S. C., 2 N. Y., No. 130, reissuing the matter contained therein without change and also establishing rate of five cents per can from Halcottville, N. Y., Brookdale, N. Y., and Roxbury, N. Y., to Grand Gorge, N. Y., and from Stamford, N. Y., Hobart, N. Y., South Kortright, N. Y., Bloomville, N. Y., and Oneonta, N. Y., to Davenport Center, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 142, effective May 13, 1916.

No. 5993; May 5, 1916; Western New York and Pennsylvania Traction Company:

Ordered: That under its application of date May 4, 1916, the Western New York and Pennsylvania Traction Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 32, said supplement to establish rates to apply to the sale of fifty-two-trip monthly tickets between stations on its line as follows: Little Valley, N. Y., and Salamanca, N. Y., \$8.84 per book; Little Valley, N. Y., and Elkdale, N. Y., \$4.42 per book; Elkdale, N. Y., and Salamanca, N. Y., \$4.42 per book; such tickets to be good only to purchaser in month in which sold and unused coupons not redeemable. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. No. 32, effective June 1, 1916.

No. 5994; May 6, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date May 5, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff, said tariff to establish rates in cents per hundred pounds for the transportation of Fluid Milk, Buttermilk, and Cream from Bliss, N. Y., to Silver Springs, N. Y., as shown in exhibit accompanying said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1261, effective May 12, 1916.

No. 5995; May 6, 1916; Erie Railroad Company:

Ordered: That under its application of date May 5, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of switching charges to apply to interplant movement of Coal between points in Vacuum Oil Company's yard at Olean, N. Y., at rate of five dollars per car. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-70, effective May 10, 1916.

No. 5996; May 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date not earlier than May 29, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2686, said supplement to amend page three of tariff under caption of "Points to which rates apply" to provide that the rates will include lighterage to points named when in lots of 140,000 lbs. or more, and that shipments in lots of less than 140,000 lbs. will be subject to extra towage charges; also to change Notes 4 and 5 on page four of tariff by substituting "140,000 pounds" in place of "4 cars" where such words appear in said notes. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2686, effective May 29, 1916.

No. 5997; May 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Lime, carloads, minimum weight forty thousand pounds, from Niagara Falls, N. Y., to Harriet, N. Y., at rate of sixty-three cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2149, effective May 12, 1916.

No. 5998; May 6, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date May 5, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 496, said supplement to establish on Crushed Stone, carloads, minimum weight sixty thousand pounds, from South Amsterdam, N. Y., to Rotterdam Junction, N. Y., Pattersonville, N. Y., and Hoffmans, N. Y., rate of thirty-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. W. S. No. 496, effective May 13, 1916.

No. 5999; May 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a local and joint commodity tariff on Anthracite Coal Screenings, in carloads, minimum weight fifteen gross tons of twenty-two hundred and forty pounds each, from Cohoes, N. Y., to Ilion, N. Y., at rate of seventy cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. C-16, effective May 13, 1916.

No. 6000; May 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 8, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Unburned Ground Limestone, in carloads, minimum weight forty thousand pounds, from Chaumont, N. Y., over its line via Norwood, N. Y., Rutland railroad via Moira, N. Y., and New York Central railroad to Ironton, N. Y., Helena, N. Y., Nyando, N. Y., Dickinson Center, N. Y., St. Regis Falls, N. Y., Santa Clara, N. Y., Spring Cove, N. Y., Downey, N. Y., LeBoeuf, N. Y., Meno, N. Y., Brandon, N. Y., Bay Pond, N. Y., Derrick, N. Y., and Kildare, N. Y., at rate of one dollar and fifty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2440, effective May 15, 1916.

No. 6001; May 9, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date May 9, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3164, said supplement to establish on Wood Pulp, in carloads, minimum weight as per Official Classification, from Hudson Falls, N. Y., over its line via Albany, N. Y., and Murray's Line to Brooklyn, N. Y., rate of thirteen and seven-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 11 to P. S. C. No. 3164, effective May 11, 1916.

No. 6002; May 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 6, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local freight tariff on Fluid Milk, in forty-quart cans (to be pasteurized and reshipped), in lots of thirty cans or more, from Chatham, N. Y., to Wassaic, N. Y., at rate of fifteen and eight-tenths cents per can, such rate to include free return of empty cans but not to include icing. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2715, effective May 11, 1916.

No. 6003; May 10, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application of date May 9, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date not earlier than June 12, 1916, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. A-381 and A-569, said supplement to tariff P. S. C., 2 N. Y., No. A-381 to cancel suspended items Nos. 515-I, 525-E, 530-E, 535-E, and 540-C as published in supplement No. 53 to said tariff and under postponement until July 13, 1916; said supplement to tariff P. S. C., 2 N. Y., No. A-569 to cancel said tariff, same being now under postponement until July 13, 1916.

Completed by supplement No. 77 to P. S. C. No. A-381, and supplement No. 5 to P. S. C. No. A-569; effective June 12, 1916.

No. 6004; May 10, 1916; E. Morris, Agent:

Ordered: That under application of E. Morris, agent, of date May 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) and The New York, Chicago and St. Louis Railroad Company, or their duly authorized agents, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to freight tariffs as follows: E. Morris, agent, P. S. C., 2 N. Y., No. 22; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) P. S. C., 2 N. Y., Nos. 507 (L. S. & M. S. series) and 205 (D. A. V. & P. series); and The New York, Chicago and St. Louis Railroad Company P. S. C., 2 N. Y., Nos. 443, 462, and 528, said supplements, as to New York state traffic, to cancel on or before June 13, 1916, the rates on dressed meats and packing house products, packed, and packing house products, loose, and to establish, on at least ten days' notice and effective not earlier than June 13, 1916, the carload minimum weights applicable to the transportation of fresh meats and packing house products, loose, all of which are under postponement until July 13, 1916.

Completed by proper notices of cancellation, effective June 12, 1916.

No. 6005; April 20, 1916, and revised May 9, 1916, by Temporary Receivers of the Empire United Railways, Inc.:

Ordered: That under applications dated April 18 and May 6, 1916, the Empire United Railways, Inc., Hendrick S. Holden and C. Loomis Allen, temporary receivers, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than three days' notice, tariffs and supplements to tariffs as follows: Supplement No. 1 to P. S. C., 2 N. Y., No. 5; supplement No. 2 to P. S. C., 2 N. Y., No. 17; tariff P. S. C., 2 N. Y., No. 30, to cancel P. S. C., 2 N. Y., No. 16; tariff P. S. C., 2 N. Y., No. 28, to cancel P. S. C., 2 N. Y., No. 15; also a blanket supplement as No. 1 to tariffs P. S. C., 2 N. Y., Nos. 14, 18, 20, 22, and 25; said tariffs and supplements to contain matter as shown in exhibits accompanying and made part of said applications.

It is further Ordered: That the tariff rule prohibiting the supplementing of tariffs of less than five pages is waived as to the supplementing of tariffs P. S. C., 2 N. Y., Nos. 14, 18, 20, 22, and 25, as herein authorized. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by publication and filing of schedules as listed above, effective May 22, 1916.

No. 6006; May 12, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date May 11, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Pulp, Sulphite and Wood, carloads, minimum weight as per Official Classification, from Fort Edward, N. Y., Glens Falls, N. Y., and Hudson Falls, N. Y., over its line via South Schenectady, N. Y., and the West Shore railroad to Newark, N. Y., at rate of twelve and six-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3283, effective May 16, 1916.

No. 6007; May 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not earlier than May 23, 1916, a supplement to its freight tariff P. S. C.,

2 N. Y., N. Y. C. No. 2275, said supplement to correct error in supplement No. 2 to said tariff, filed to take effect May 23, 1916, to show that rate from New York Central stations index Nos. 686 to 739, Model City, N. Y., to Greece, N. Y., to Pennsylvania railroad stations index Nos. 8705 to 8815 inclusive, 8824 to 8932 inclusive, and 8946 to 8984 inclusive, via route F, will be "z 8.4 cents per 100 lbs." instead of "28.4 cents per 100 lbs." This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C No. 2275, effective May 23, 1916.

No. 6008; May 12, 1916, New York, Ontario and Western Railway Company:

Ordered: That under its application of date May 11, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Pulp Wood, carloads, minimum weight as per Official Classification, from Fulton (Broadway), N. Y., and Fulton, N. Y., to Battle Island, N. Y., at rate of thirty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3278, effective May 16, 1916.

No. 6009; May 12, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date May 11, 1916, The New York, New Haven and Hartford Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, for itself, the Central New England Railway Company, and the New York, Westchester and Boston Railway Company, on not less than ten days' notice and under an effective date not earlier than May 25, 1916, and to expire July 24, 1916, unless sooner canceled, changed, or extended, a freight tariff of additional demurrage charges applying at all stations on lines of the carriers stated, said tariff to establish schedule of charges for the use of cars placed or constructively placed on public or private tracks in addition to the regular demurrage charges as specified in said application.

Completed by P. S. C. No. F-261, effective May 25, 1916.

No. 6010; May 13, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date May 12, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Crushed or Quarry Broken Stone, carloads, minimum weight sixty thousand pounds, from Jamesville, N. Y., and Syracuse (Rock Cut Siding), N. Y., over its line via Syracuse, N. Y., and the New York Central railroad to East Williamson, N. Y., at rate of ninety-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2702, effective May 18, 1916.

No. 6011; May 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 78, said supplement to establish on Crushed Stone, Crushed Stone Screenings, and Crushed Stone coated with oil or asphaltum, carloads, minimum weight sixty thousand pounds, from Akron

Falls, N. Y., to Suspension Bridge, N. Y., a rate of forty-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 78, effective May 22, 1916.

No. 6012; May 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Derrick, N. Y., to Tupper Lake, N. Y., and Tupper Lake Junction, N. Y., at rate of forty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2719, effective May 17, 1916.

No. 6013; May 15, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date May 12, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 27, said supplement to establish on Crushed Stone, Crushed Stone Screenings, and Crushed Stone coated with oil or asphaltum, carloads, minimum weight sixty thousand pounds, from Akron, N. Y., and Clarence, N. Y., to Suspension Bridge, N. Y., a rate of forty-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. W. S. No. 27, effective May 22, 1916.

No. 6014; May 15, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date May 13, 1916, The New York, New Haven and Hartford Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, for itself, the Central New England Railway Company, and the New York, Westchester and Boston Railway Company, on not less than one day's notice and under an effective date not earlier than May 25, 1916, a supplement to tariff of car demurrage rules, P. S. C., 2 N. Y., No. X 11, said supplement to establish the following rule:

"When cars are held in transit at points short of destination or on storage tracks at destination, because of failure of consignees to unload within the free time cars that have been placed on public delivery tracks, private sidings, or industrial interchange tracks, and notice thereof is sent or given to consignee, the charges contained in local freight tariff of car demurrage rules (P. S. C., 2 N. Y., No. X 11) and the local freight tariff covering charges for detention of equipment (P. S. C., 2 N. Y., No. F-261) will apply to all cars so held and no additional free time will be allowed after final placement."

This special permission not used.

No. 6015; May 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That under applications of date May 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, are hereby authorized to publish

and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established, on not less than three days' notice, supplements to tariffs P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, said supplements to provide for the substituting of rules shown in said applications for Rules 13 and 13 (a) of P. S. C., 2 N. Y., N. Y. C. No. 2483, and 14 and 14 (a) of P. S. C., 2 N. Y., W. S. No. 667. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 10 to P. S. C. N. Y. C. No. 2483, and supplement No. 9 to P. S. C. W. S. No. 667; effective May 20, 1916.

No. 6016; May 17, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That under applications of date May 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, supplements to freight tariffs P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, said supplements to cancel from tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, Rule 13 (aa), filed to take effect April 10, 1916, and from tariff P. S. C., 2 N. Y., W. S. No. 667, Rule 14 (aa), filed to take effect April 10, 1916. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 11 to P. S. C. N. Y. C. No. 2483, and supplement No. 10 to P. S. C. W. S. No. 667; effective May 25, 1916.

No. 6017; May 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Cream, in forty-quart cans, in any quantity, from Pierrepont Manor, N. Y., to Syracuse, N. Y., at rate of forty-six and two-tenths cents per can, such rate to include free return of empty cans but not to include icing. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. No. 2727, effective May 22, 1916.

No. 6018; May 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a proportional commodity tariff on Old Car Wheels (loose or attached to axles), Old Rails (regardless of the purpose for which they are used), Old Car Axles, Iron or Steel Borings, Iron or Steel Scrap, and Iron or Steel Turnings, in carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 9131, from Martisco, N. Y. (on traffic coming from points beyond, from which there are no joint rates in effect), to Syracuse, N. Y., at rate of sixty-three cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2728, effective May 23, 1916.

No. 6019; May 19, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date May 18, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law

and the regulations of the Commission established thereunder, on not less than ten days' notice and under an effective date not earlier than June 5, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 1255, filed to take effect June 5, 1916, said supplement to correct the rate on Salt, in carloads, from LeRoy, N. Y., Saltvale, N. Y., Rock Glen, N. Y., and Silver Springs, N. Y., to Lehigh Valley railroad stations Horseheads, N. Y., to Gracie, N. Y., inclusive, to read 8.7 cents per hundred pounds instead of 8.9 cents per hundred pounds.

Completed by supplement No. 1 to P. S. C. No. 1255, effective June 5, 1916.
No. 6020; May 20, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date May 17, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Anthracite Coal Screenings, in carloads, minimum weight as per its tariff P. S. C., 2 N. Y., No. A-108, to Canastota, N. Y., f. o. b. vessel for transshipment by water, at rates in cents per ton of twenty-two hundred and forty pounds from New York state stations as follows: Cazenovia, New Woodstock, and Rippleton 75; Cortland and DeRuyter 85. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. A-131, effective May 25, 1916.
No. 6021; May 22, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date May 20, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Iron Ore Tailings, carloads, minimum weight forty thousand pounds, from Port Henry, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to West Albany, N. Y., at rate of one dollar and fifteen cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3284, effective May 23, 1916.
No. 6022; May 22, 1916; Albany Southern Railroad Company:

Ordered: That under its application of date May 22, 1916, the Albany Southern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a passenger tariff of local excursion fares for season of 1916, said tariff to establish the fares applying to the sale of excursion tickets and rules and regulations governing sale and acceptance thereof as specified in exhibit accompanying and made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 126, effective May 27, 1916.
No. 6023; May 22, 1916; Carl Howe, Agent:

Ordered: That under his application of date May 20, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a revision of page seventy of said tariff, his P. S. C., 2 N. Y., No. 2, said revised page to change Rules 14 and 14-A to read as specified in application, and also to cancel Rule 14 (AA). This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by seventh revised page 70 to P. S. C. No. 2, effective June 1, 1916.

No. 6024; May 22, 1916; Geneva, Seneca Falls and Auburn Railroad Company, Inc.:

Ordered: That under its application of date May 20, 1916, the Geneva, Seneca Falls and Auburn Railroad Company, Inc., is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 5, said supplement to provide for the establishment of reduced fares to Cayuga Lake Park to become effective upon date earlier than May 30, 1916, but not earlier than May 26, 1916.

Completed by supplement No. 1 to P. S. C. No. 5, effective May 26, 1916.

No. 6025; May 9, 1916, as amended May 22, 1916; Auburn and Syracuse Electric Railroad Company:

Ordered: That under its application of date April 28, 1916, as amended May 20, 1916, the Auburn and Syracuse Electric Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than three days' notice, a joint freight tariff of class and commodity rates, said tariff to be issued as its P. S. C., 2 N. Y., No. 18, canceling its P. S. C., 2 N. Y., No. 14, and establishing the rates, rules, and regulations as set forth in exhibit attached to and made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 18, effective June 15, 1916.

No. 6026; May 9, 1916, as amended May 22, 1916; Auburn and Syracuse Electric Railroad Company:

Ordered: That under its application of date April 28, 1916, as amended May 20, 1916, the Auburn and Syracuse Electric Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than three days' notice, a local freight tariff of class and commodity rates, said tariff to be issued as P. S. C., 2 N. Y., No. 19, canceling its P. S. C., 2 N. Y., Nos. 15 and 16, and establishing the rates, rules, and regulations as set forth in exhibit attached to and made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 19, effective June 15, 1916.

No. 6027; May 24, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application of date May 23, 1916, the Buffalo, Lockport and Rochester Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not earlier than May 31, 1916, a joint freight tariff of class and commodity rates, said tariff to establish the rates, rules, and regulations as per exhibit attached to and made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 22, effective May 31, 1916.

No. 6028; May 24, 1916; International Railway Company:

Ordered: That under its application of date May 22, 1916, the International Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint freight tariff of less than carload class and commodity rates, said tariff to establish the rates, rules, and regulations as per exhibit attached to and made part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by P. S. C. No. 62, effective May 31, 1916.

No. 6029; May 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application of date May 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Rough Stone, in carloads, minimum weight forty thousand pounds, from Laona, N. Y., to Dunkirk, N. Y., at rate of forty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 114, effective May 29, 1916.

No. 6030; May 25, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date May 24, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3205, said supplement to establish on Rough Stone, in carloads, minimum weight sixty thousand pounds, from Waterloo, N. Y., to Interlaken, N. Y., a rate of thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. No. D-3205, effective May 28, 1916.

No. 6031; May 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Unburned Ground Limestone, carloads, minimum weight forty thousand pounds, from Dover Plains, N. Y., over its line via Chatham, N. Y., and the Rutland Railroad to Old Chatham, N. Y., at rate of one dollar and thirty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2734, effective June 3, 1916.

No. 6032; May 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1227, said supplement to establish on Sand, carloads, minimum weight sixty thousand pounds, from Yosta, N. Y., to West Albany, N. Y., a rate of forty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 17 to P. S. C. N. Y. C. No. 1227, effective June 2, 1916.

No. 6033; May 25, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date May 24, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not earlier than June 20, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3073, said supplement to

cancel supplement No. 2, filed to take effect June 20, 1916, and correct error in rate from Moravia, N. Y., to Sennett, N. Y., to read \$1.37 instead of 63c per two thousand pounds.

Completed by supplement No. 3 to P. S. C. No. D-3073, effective June 20, 1916.

No. 6034; May 26, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 25, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of June 1, 1916, supplements to its tariffs P. S. C., 2 N. Y., Nos. 596, 747, and 995, said supplements to reestablish the fares formerly in force and applying to the sale of one-way, round-trip, and commutation fares to and from Mahopac Falls, N. Y.

Completed by supplement No. 10 to P. S. C. No. 596, supplement No. 4 to P. S. C. No. 747, and supplement No. 6 to P. S. C. No. 995; effective June 1, 1916.

No. 6035; May 26, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date May 25, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of June 17, 1916, a supplement to its tariff P. S. C., 2 N. Y., No. D-3282, filed to take effect June 17, 1916, said supplement to make no other changes than to correct the errors in said tariff as stated in application.

Completed by supplement No. 1 to P. S. C. No. D-3282, effective June 17, 1916.

No. 6036; May 27, 1916; Buffalo, Rochester and Pittsburgh Railway Company.

Ordered: That under its application of date May 26, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date not earlier than June 12, 1916, supplement to its freight tariff P. S. C., 2 N. Y., No. 453, said supplement to cancel suspended items Nos. 121, 122, 123, and 124 as published in supplement No. 35 to said tariff and under postponement until July 13, 1916.

Completed by supplement No. 46 to P. S. C. No. 453, effective June 15, 1916.

No. 6037; May 27, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date May 26, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of switching charges applying at LeRoy, N. Y., and therein establish rate of five dollars per car on Salt, in carloads, from LeRoy Salt Company's plant to the Belmont Stable Supply Company's Siding. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1266, effective June 1, 1916.

No. 6038; May 27, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 26, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight rate schedule applying on Common Brick, carloads, minimum weight fifty thousand pounds,

from Cohoes, N. Y., to Camden, N. Y., at rate of one dollar and forty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 269, effective June 3, 1916.

No. 6039; May 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 27, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2762, and therein establish on Crushed Stone, carloads, minimum weight sixty thousand pounds, from Newport, N. Y., over its line via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to North Brookfield, N. Y., a rate of ninety-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2762, effective June 6, 1916.

No. 6040; May 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 29, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on less than one day's notice, a local commodity tariff on Talc, carloads, minimum weight as per Official Classification, from Hailesboro, N. Y., to Gouverneur, N. Y., at rate of one and seven-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2743, effective June 7, 1916.

No. 6041; May 31, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 29, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date of June 15, 1916, supplements to its tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 1486, 1607, 1410, 1011, and 2024, said supplements to tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 1486, 1607, 1410, and 1011 to cancel said tariffs so far as same contain rates applicable to New York intrastate traffic; and said supplement to tariff P. S. C., 2 N. Y., N. Y. C. No. 2024 to cancel item therein applying on Milk, condensed, in cans, boxed, in carloads, from Newport, N. Y., to East New York, N. Y., as shown on page twenty-five.

Completed by proper cancellation supplements; effective June 15, 1916.

No. G-5; May 1, 1916; Westchester Lighting Company:

Ordered: That under its application of April 29, 1916, the Westchester Lighting Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective May 1, 1916, Revised Leaves Nos. 7 to General Schedules for Gas, P. S. C., 2 N. Y., Nos. 4, 5, and 6. Said revised leaves to change Service Classification Nos. 1, reducing the rates for gas in the village of Port Chester and the city of White Plains from \$1.35 to \$1.30 per thousand cubic feet, and in the villages of Tarrytown and North Tarrytown from \$1.45 to \$1.35 per thousand cubic feet, and bear the follow-

ing notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. G-5, of May 1, 1916". This permission is granted for the purpose of enabling the company to carry into effect certain agreements entered into in 1915 as to rates to apply on and after May 1, 1916.

Completed by schedules effective May 1, 1916.

No. T.&T. 114; May 25, 1916; New York Telephone Company:

Ordered: "That under its application of May 24, 1916, the New York Telephone Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, proper revised sheet to section twelve of its local general tariff P. S. C., N. Y., No. 1, establishing the following as an exception to its regulations governing additional directory listings: "Flat rate residence subscribers who lease their premises for periods of less than one year, and request the company to render service to their tenants without change in contract, may arrange for the listing of such tenants at the regular rate for additional listings, provided the subscriber and tenant do not occupy the premises at the same time." This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by schedule effective June 1, 1916.

[Case No. 2830]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of THE WOODRUFF
HOTEL COMPANY *against* NEW YORK TELEPHONE COM-
PANY as to connecting thirty additional telephone
instruments to the private exchange switchboard in
the New Woodruff Hotel in Watertown, and as to
rates.

Upon the facts found and for the reasons stated in the accompanying
memorandum it is

Ordered: 1. That the New York Telephone Company continue to furnish
service to The Woodruff Hotel Company as a hotel private branch exchange,
making and maintaining all necessary connections for that purpose.

2. That in order that it may continue to render such service it shall
have access to all parts of the New Woodruff Hotel at all reasonable hours
for the purpose of inspecting and maintaining, repairing or replacing the
instrumentalities of said private branch exchange as the same may be neces-
sary for the efficiency of the service, but that in such operations respondent
shall not pierce, cut, or otherwise change the condition of floors, walls, or
other parts of said hotel building without the knowledge and consent of the
complainant.

3. That the service provided for shall be restored at the regular tariff
rates and under the regular tariff regulations for similar service as they
may exist from time to time, less the sum of \$130 per annum; but this
provision in so far as it relates to a discount from regular tariff regula-
tions shall not remain effective beyond the period of five years from the
service of this order.

4. That the parties shall notify the Commission within thirty days after
the service of this order as to their acceptance thereof.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a crossing of the Long Island railroad by the South Country Road state highway at Centre Moriches, in said town.

The petition dated March 11, 1912, in the matter above entitled, alleges that the South Country road is the main highway on the south side of Long Island, passing through the village of Centre Moriches in an easterly and westerly direction; that it is the main traveled highway from Brooklyn to Montauk Point; and that public safety requires that the highway be carried under the grade of the railroad. A hearing on this application was held by the Commission at Centre Moriches May 25, 1916, at which C. L. Addison and J. R. Savage, respectively assistant to the president and chief engineer, appeared for The Long Island Railroad Company; Riley P. Powell, supervisor, for the Town of Brookhaven; H. T. Tuthill for the State Commission of Highways; Clarence Dare, town superintendent of highways; Peter E. Nostrand, county superintendent of highways; Ralph A. Sturgess for Mrs. Masury, property owner; E. R. Pearse for two property owners (not named); and Mrs. Wm. Penney, Mrs. Ketchum, Elisha Smith, Wm. F. Smith, P. V. Cox, and C. W. Wilcox, property owners, in person; at which proof of publication of notice of the hearing and personal service thereof on interested property owners and others as provided by statute was made. About 920 feet westerly of the South Country Road crossing is the grade crossing of the Old Neck road. Although the closing of the crossing on this road is not included in the petition, the representatives of the railroad corporation nevertheless called attention to the desirability of eliminating this Old Neck crossing by diverting travel therefrom to the South Country road. A great deal of opposition to this plan was expressed by the users of the Old Neck road and certain property owners, and in view of such opposition and the fact that no form of petition is before the Commission for the closing of said Old Neck crossing, no determination relative thereto is made. At the hearing there was presented a plan marked "Applicants Ex. No. 1," showing the proposed method of carrying the South Country road under the grade of the railroad. According to this plan, which was unopposed, the alignment of the highway is to be changed, thereby eliminating some curvature; the width of the subway proposed being 30 feet between abutments with a clear headroom above the roadway of 13 feet. In order to effect this grade separation it is intended to raise the railroad at the crossing about 8 feet above its present elevation, the remainder of the headroom to be secured by a depression of the highway surface. Upon the testimony submitted and a personal examination of the vicinity of the crossing by the Commissioner in charge, the Commission has determined that the petition should be granted, and therefore

Ordered: That the crossing of the Long Island railroad at grade with the South Country Road state highway in the town of Brookhaven, Suffolk county, about one-half mile west of the Centre Moriches station, be abolished by such changes in the railroad and highway surfaces and the construction of a railroad bridge and supports as to permit the traffic on the highway to pass below the grade of the railroad; and that the easterly end of the public road leading to the Old Neck highway be changed in alignment and

grade to form a junction at a new location with the revised surface of South Country road, all as hereinafter more specifically described.

For the purpose of avoiding the greater part of the curvature in the South Country road as it exists at the crossing, the alignment of the highway within the area affected by the work of elimination shall be so changed that the center line thereof shall conform to the following description:

Beginning at a point north of the railroad track in the present highway, measured along its center line and distant about three hundred and sixty-five feet from its intersection with the railroad track, proceeding thence in a southeasterly direction crossing the railroad on an angle of about 31° and $50'$ at a point westerly of and distant about 46 feet from the railroad intersection with the center line of the present crossing, a distance of about 425 feet; thence curving to the right on a radius of about 780 feet through an angle of about 11° and $10'$; thence tangent to the above named curve about 200 feet, to an intersection with the center line of the existing highway at a point about 405 feet south of the crossing.

The undergrade crossing shall be located with its axis on this revised center line, the abutments being placed 30 feet apart at neat lines measured at right angles to their faces.

Beginning at a distance about 2000 feet westerly from the South Country Road crossing, the railroad is to be raised so that its revised grade shall ascend toward the east on a five-tenths per cent grade; thence level across the South Country road and about 8 feet above the present grade thereof a distance of about 200 feet; thence descending toward the east on a five-tenths per cent grade to an intersection with the existing railroad grade.

From the point of diversion of the old and proposed highway lines north of the track, the revised highway grade shall descend at a rate of 5 per cent a distance of about 255 feet, thence continuing to descend at the rate of two-tenths of 1 per cent across the railroad to the end of the revised line south of the track.

On the railroad bridge there shall be a solid floor, and the clear head-room above the crown of the highway shall be not less than 13 feet.

In order to effect a junction with the Old Neck highway, the existing public road south of and parallel with the railroad shall be changed in alignment at its easterly end by means of a curve and a new location partly on the property of Elisha Smith and Mrs. Masury, the said new alignment to be hereafter more particularly determined and to be such as to interfere with or damage to the least possible extent the properties of said Elisha Smith and Mrs. Masury consistent with public safety and convenience. The grade on this re-located and re-graded portion of road shall descend toward the South Country road at the rate of approximately 6 per cent.

The proposed new alignment of the South Country road, the position of the proposed undergrade crossing, and the revised grades on the South Country road and on the Long Island railroad shall be substantially as shown on the plan heretofore referred to as Exhibit 1, and entitled "L. I. R. R. Montauk Div., Plan showing elimination of Crossing No. 685, South Country Road, West of Centre Moriches".

The approaches on the South Country road shall be graded to a width of at least 30 feet. The character of the pavement thereon and in the roadway at the undergrade crossing shall be reserved for future consideration and determination by the Commission. The pavement on the re-graded portion of the Old Neck road connection shall be of gravel.

Gutter surface drainage of the undergrade crossing is to be obtained toward the southeast, the gutter grade to be approximately four-tenths per cent.

A private crossing of the railroad now in existence immediately east of the highway crossing is to be maintained at its present location, and access thereto and to any private roadways within the limits of the work covered by this order shall be provided.

On account of the revision of the railroad grade as herein provided, resulting in a new elevation of track at the Old Neck crossing about $4\frac{1}{2}$ feet higher than the existing railroad grade, the Old Neck highway shall be

re-graded to meet such new track elevation; the rate of grade on approaches, the width of roadway, length of guard railing, etc., to be hereafter prescribed by this Commission.

The railroad corporation has agreed that all excess cost due to any construction to accommodate tracks in addition to the single track which exists at the present time properly shall be borne by it; and the acceptance of this order by said railroad corporation shall be deemed as an undertaking on its part to save the State of New York, the Town of Brookhaven, and this Commission harmless from all costs, damages, and claims on account of such additional tracks or facilities.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a grade crossing of the Long Island railroad by the South Country Road state highway at Centre Moriches, in said town.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on June, 1916, determined and directed that the present grade crossing of the Long Island railroad by the South Country Road state highway in the town of Brookhaven, Suffolk county, shall be closed and discontinued and that the highway traffic at the point mentioned shall be diverted to an undergrade crossing to be constructed according to certain plans approved by this Commission and under its direction, and the total cost of such elimination and change having been estimated at the sum of \$34,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$8500; now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of either grade crossing eliminations heretofore ordered and now under way (the available balance including the sum of \$175,000 appropriated by the Legislature of 1916, being approximately the sum of \$335,000), there shall now be segregated and set apart to the credit of grade crossing case No. 2923 above entitled the sum of \$8500, to meet the State's share of the cost of the elimination in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 3211]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for the elimination of the following grade crossings in the town of Lloyd, Ulster county: (1) the North road to Black Lake; (2) the New Paltz Turnpike, also known as the Whittley crossing; and (3) for determining the manner in which the proposed new crossing at Brooks crossing shall be constructed.

The Commission having by and under its order of January 12, 1916, extended the time for completing the work specified in its order of December 9, 1915, to June 1, 1916, and the Central New England Railway Company by letter from its general counsel having requested further extension of time to November 1, 1916, the request for said extension being favored by the local authorities of the town as indicated by a letter from the county superintendent of highways dated June 2, 1916; and the Commission being of the opinion that under all circumstances of the case the request of the railroad corporation is reasonable and that said time extension is necessary,

Ordered: That the time for completing the work pursuant to the requirements of the order of December 9, 1915, be and the same hereby is extended to November 1, 1916.

[Case No. 4106]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in the manner in which a highway known as state highway No. 5346, in the town of Remsen, Oneida county, crosses the tracks of the Adirondack division of the New York Central and Hudson River railroad 1.3 miles south of Honnedaga.

The work referred to in the matter above entitled having been entirely completed, pursuant to a determination dated March 31, 1914, to the satisfaction of The New York Central Railroad Company, the State Department of Highways, and to this Commission, it is

Ordered: That the completed work be and is hereby approved.

[Case No. 4107]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in the manner in which a highway known as state highway No. 5345, in the town of Trenton, Oneida county, crosses the tracks of the Adirondack division of the New York Central and Hudson River railroad in said town.

The work referred to in the matter above entitled having been entirely completed, pursuant to a determination dated March 31, 1914, to the satisfaction of The New York Central Railroad Company, the State Department of Highways, and to this Commission, it is

Ordered: That the completed work be and is hereby approved.

[Case No. 4271]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ITHACA TRACTION CORPORATION for the approval of its first refunding mortgage, and for the approval of an issue of \$488,000 of its first refunding mortgage bonds and \$400,000 of capital stock, and for the approval of proceedings with regard thereto.

First
amendatory
order.

Under date of July 29, 1914, the Ithaca Traction Corporation was authorized to issue \$400,000 par value of capital stock, all of one class, execute a first and refunding mortgage for \$2,000,000 and issue upon the security thereof \$488,000 face value of 5 per cent fifty-year gold bonds, and to use such securities for certain specified purposes. All of the stock so authorized and \$211,000 face value of the bonds were to be used for the purpose of acquiring all of the property of the former Ithaca Street Railway Company and the receivers thereof; and the balance of bonds, viz. \$277,000, were to be sold at not less than 80 per cent of their face value, to give net proceeds of \$221,600, which were to be used for purposes set forth in ordering clause 3 of such order. The securities so authorized have all been issued; and by supplemental petition filed on August 14, 1915, the petitioner states that all construction work set forth in such ordering clause No. 3 has been completed with few exceptions, but that expenditures for certain purposes in some instances exceeded and in others were less than the amounts authorized therefor, and the company prays that such clause be modified to conform to

the actual expenditures. This petition was referred to the division of steam railroads of the Commission, and the report of the chief of that division dated November 29, 1915, states that the "costs of the various projects are reasonable in amount and that the credits to capital are proper and complete". Said supplemental petition also prays for further amendments of the order herein dated July 29, 1914, with reference to accounting for discount on securities issued and the loss incident to the retirement of fixed capital. Conferences have been held with officers of the company who stated that additional information would be furnished to the Commission in respect to the amendments petitioned for. This data has not been received. The memorandum of the division of capitalization dated May 29, 1916, recommends that those portions of the company's petition asking for such amendments of the aforesaid order be not allowed. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 3 of the order of the Commission herein dated July 29, 1914, is hereby modified and amended by the substitution therefor of the following:

3. That the said bonds of the face value of \$277,000 authorized in subdivision (b) of ordering clause No. 2 hereof, or the proceeds thereof to the amount of \$221,600, shall be used solely and exclusively for the following purposes:

<i>Track</i>	
(a) New double track on State street from Geneva street to Meadow street switch	\$15,559.21
(b) New double track on Tloga street from Seneca street to Fall street.	38,729.41
(c) New double track on Eddy street.....	21,736.67
(d) New double track on Thurston avenue from Wyckoff avenue to Look-Out switch	11,561.67
(e) Rearrangement of switches and replacing of light rail around loop.	16,982.86
<i>Bridges</i>	
(f) New bridge over Cascadilla creek on Tloga street.....	605.35
<i>Sub-station</i>	
(g) New sub-station and apparatus.....	11,890.23
<i>Cars</i>	
(h) Five new closed cars complete with electrical equipment, and five new open car bodies and trucks.....	29,660.97
(i) Power plant	74,874.13

\$221,600.00

in so far as the same may be applicable, provided (a) that such bonds or the proceeds thereof shall be applied on such new construction summarized in ordering clause No. 3 hereof only in so far as the same is properly chargeable to investment in road and equipment as defined in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (b) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (c) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (d) that if there shall be required subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of the Commission.

2. That that portion of the supplemental petition of the Ithaca Traction Corporation filed on August 14, 1915, praying for a modification of ordering clause No. 9 of the order herein dated July 29, 1914, is hereby denied.

3. That that portion of the petition which requests authority to charge \$43,435.26 to other intangible fixed capital, which amount represents the value of property abandoned, retired, or replaced in connection with new construction, is hereby denied.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to \$43,435.26 which is properly chargeable to operating expenses, as more particularly set forth in ordering clause No. 3 herein.

[Case No. 4298]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of June, 1916.**Present:**SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,

Commissioners.

In the matter of the Application of the CENTRAL
NEW YORK SOUTHERN RAILROAD CORPORATION for the
approval of its first and collateral trust mortgage,
and for the approval of an issue of \$1,000,000 of its
first and collateral trust mortgage bonds, \$725,000
of preferred stock, and \$325,000 of common stock;
and for the approval of proceedings with regard
thereto.

First
amendatory
order.

Under date of August 4, 1914, the Central New York Southern Railroad Corporation was authorized to issue \$1,100,000 par value of capital stock, \$725,000 thereof to be classified as preferred and \$375,000 as common, execute a first and collateral trust mortgage for \$4,000,000 and issue upon the security thereof \$1,000,000 face value of 5 per cent fifty-year gold bonds, and to use such securities for certain specified purposes. Of the bonds so authorized, \$256,000 face value were to be sold for not less than 80 per cent of their face value, to give net proceeds of \$204,800, which were to be used for purposes set forth in ordering clause No. 3 of such order. These bonds, as well as all other securities authorized herein, have been sold; and by supplemental petition filed on August 14, 1915, the petitioner states that all construction work set forth in such ordering clause No. 3 has been completed with few exceptions, but that expenditures for certain purposes in some instances exceeded and in others were less than the amounts authorized therefor, and the company prays that such clause be modified to conform to the actual expenditures. This petition was referred to the division of steam railroads of the Commission, and the report of the chief of that division dated November 29, 1915, states that the "modifications sought by the corporation are reasonable and proper". Said supplemental petition also prays for further amendments of the order herein dated August 4, 1914, with reference to accounting for discount on securities issued and loss incident to the retirement of fixed capital. Conferences have been held with officers of the company who stated that additional information would be furnished to the Commission in respect to the amendments petitioned for. This data has not been received. The memorandum of the division of capitalization dated May 29, 1916, recommends that those portions of the company's petition asking for such amendments of the aforesaid order be not allowed. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 3 of the order of the Commission entered herein on the 4th day of August, 1914, is hereby modified and amended by the substitution therefor of the following:

3. That the said bonds of the face value of \$256,000 referred to in subdivision (c) of ordering clause No. 2 hereof, or the proceeds thereof to the amount of \$204,800, shall be used solely and exclusively for the following purposes:

<i>Roadbed and track</i>	
(a) Additional filling at Auburn, to eliminate steep grade over Lehigh Valley bridge.....	\$6,261.16
(b) New ties, ballast, and general track improvements.....	26,479.64
(c) New cattle-passes, required by deeds.....	1,935.80
<i>Ithaca freight and passenger terminal</i>	
(d) State and Meadow streets, Ithaca.....	16,819.76
<i>Buildings and station facilities</i>	
(e) Heating plant and toilet room at Auburn station.....	548.40
(f) Reconstruction of enginehouse and shop at Auburn.....	9,858.45

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<i>Motor cars</i>	
(g) Two 70-ft. McKeen gasoline motor cars.....	\$48,775.52
<i>Miscellaneous equipment</i>	
(h) Two ballast cars.....	1,163.23
Working capital	98,458.02

\$204,800.00

in so far as the same may be applicable, provided (a) that such bonds or the proceeds thereof shall be applied on such new construction summarized in ordering clause No. 3 hereof only in so far as the same is properly chargeable to investment in road and equipment as defined in the Classification of Investment in Road and Equipment promulgated by the Interstate Commerce Commission and adopted by this Commission; (b) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (c) that there shall be no charges to investment in road and equipment on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (d) that if there shall be required subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of the Commission; (e) that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

2. That that portion of the supplemental petition of the Central New York Southern Railroad Corporation filed on August 14, 1915, praying for a modification of ordering clause No. 10 of the order herein dated August 4, 1914, is hereby denied.

3. That that portion of the petition which requests authority to charge \$5196.69 to other intangible fixed capital, which amount represents the value of property abandoned, retired, or replaced in connection with new construction, is hereby denied.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to \$5196.69 which is properly chargeable to operating expenses as more particularly set forth in ordering clause No. 3 herein.

[Case No. 4317]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SYRACUSE LIGHT-
ING COMPANY under section 69 of the Public Service
Commissions Law for authority to issue \$444,000 of
its extension and improvement 6 per cent 10-year
bonds.

Supplemental
order.

Petition filed May 21, 1914; report of electrical engineer dated June 9, 1914; report of gas engineer dated June 15, 1914; order entered June 23, 1914; supplemental petition filed May 2, 1916. By order herein dated June 23, 1914, the Syracuse Lighting Company was authorized to issue and sell at not less than their face value \$434,000 face value of 6 per cent 10-year extension and improvement mortgage gold bonds, and to use the proceeds realized from the sale thereof for additions and betterments to its plant and property as detailed in exhibit A attached to the petition dated May 18, 1914. All of the bonds so authorized have been sold and proceeds have been expended, in

some instances for more and others for less than the amounts specified for such improvements. In addition, the petitioner applied certain of such proceeds toward the cost installed of the following mains which were not included in the estimated construction to be performed: 17,522 feet 2-inch mains, \$4342.74; 15,548 feet 3-inch mains, \$6651.79: \$10,994.53; less replacements, \$472.85: \$10,521.68; and 6-inch mains included in such estimate, said exhibit A, at 80 cents per foot, were laid at a cost of approximately 92½ cents per foot. By its supplemental petition dated May 1, 1916, the petitioner prays for (a) ratification of the foregoing expenditures for 2-inch and 3-inch mains; (b) permission to use the proceeds of said bonds in construction of said 6-inch mains at the rate of approximately 92½ cents instead of 80 cents per foot; (c) a redistribution of the proceeds authorized in said order of June 23, 1914, to agree with the actual expenditures; (d) permission to account for the remaining unexpended balance of proceeds in connection with a future application. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 3 of the order of the Commission herein dated June 23, 1914, is hereby modified and amended by the substitution therefor of the following:

"3. That said bonds of the face value of \$434,000 so authorized, or the proceeds thereof to the amount of \$434,000, shall be used solely and exclusively for the purposes set forth in exhibit A appended to the original petition herein dated May 18, 1914, as amended by supplemental petition dated May 1, 1916: Expenditures of proceeds reported herein to December 31, 1915, \$398,559.73. The balance of the unexpended proceeds of the bonds hereinbefore authorized, amounting to \$35,440.27, shall not be expended by the company until definite authorization so to do shall have been received from the Commission. That such proceeds may be used in so far as the same may be applicable, provided (a) that such bonds or the proceeds thereof shall be applied on such new construction set forth in said exhibit A as amended only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Electrical and Gas Corporations adopted by this Commission; (b) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (c) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (d) that if there shall be required subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of the Commission."

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 91 of the Railroad Law for the discontinuance of the Riverhead Road and Main Road highway grade crossings of this railroad in the town of Southampton, Suffolk county, and the construction of new pieces of highway and one new crossing at grade.

In the town of Southampton the Long Island railroad is crossed at grade by two unimportant highways known as the Riverhead road and the Main Country road, located about 10,000 and 10,500 feet, respectively, east of the Westhampton station. The Main Country road crosses the railroad at a very sharp skew, and the Riverhead road crosses the railroad more nearly at right angles, the two roads forming a junction with each other at a point about 220 feet south of the railroad. It is proposed to close the Main Country Road crossing and to construct a new road north of and parallel to the railroad from the old country road to the Riverhead road. It is further proposed to abandon a part of the Riverhead road north of the track, from its junction with the new road northerly, a distance of about 1080 feet, and substitute therefor a new road running in a northerly and southerly direction, intersecting the proposed new road north of and parallel to the tracks about at a point nearly opposite the old or the Main Country Road crossing. A hearing on this application was held by the Commission at Centre Moriches May 25, 1916, at which C. L. Addison and J. R. Savage, respectively assistant to the president and chief engineer, appeared for The Long Island Railroad Company; H. T. Tuthill for the State Commission of Highways; Frank Downs, town superintendent of highways; Peter E. Nostrand, county superintendent of highways; and Erastus F. Post, property owner, in person; at which time due proof of publication of the notice of this hearing and of personal service of such notice on all interested property owners as described by the statute was made. There was no objection to the granting of the application, and the Commission has accordingly determined that the public safety requires that the petition be granted; and therefore

Ordered: That the Main Country Road grade crossing of the Long Island railroad in the town of Southampton, Suffolk county, located at a point about 10,500 feet westerly of the Southampton station, be closed and discontinued, and that the travel be diverted therefrom to the Riverhead road by means of a new highway to be constructed north of, parallel to, and distant approximately 110 feet from the existing railroad track; and that another new road intersecting the said new road parallel to the railroad be constructed in a northerly direction intersecting the existing Riverhead road at a point about 1160 feet from the railroad track measured along said new road.

The roadway on both of the new highways herein required to be laid out shall be improved with a cinder surface to the satisfaction of the local town authorities and of this Commission.

The alignment and location of the new roads herein ordered to be constructed are shown upon plan dated February 3, 1916, on file with this Commission; the said plan for further identification being marked "Public Service Commission, Second District, May 25, 1916, Applicants Ex. No. 1".

[Case No. 4982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 91 of the Railroad Law for the discontinuance of the Riverhead Road and Main Country Road highway grade crossings of said railroad in the town of Southampton, Suffolk county, and the construction of new pieces of highway and one new crossing at grade.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter as above entitled on June 6, 1916, determined and directed that the present grade crossing of the Main Country road of the Long Island railroad in the town of Southampton, Suffolk county, shall be closed and discontinued and that the highway traffic be diverted therefrom to the Riverhead road by means of the construction of new highways according to a certain plan approved by this Commission and under its direction, and the total cost of such elimination and change having been estimated at the sum of \$1600, of which total cost the share of the State of New York as fixed by statute would be \$400; now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$336,500), there shall now be segregated and set apart to the credit of grade crossing case No. 4982 above entitled the sum of \$400 to meet the State's share of the cost of the elimination in said case as such cost may be hereafter from time to time duly determined and certified by this Commission.

[Case No. 5244]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF SOUTHAMPTON, Suffolk county, under section 90 of the Railroad Law for a determination as to the manner in which a new highway laid out in said town shall cross the Long Island railroad at Good Ground.

Upon the recommendation of The Long Island Railroad Company as indicated by the signature of its chief engineer upon a detailed plan showing the abutments and superstructure covering the construction of an undergrade crossing pursuant to a determination of the Commission in the matter above entitled, and upon the approval of the local authorities as similarly indicated by the approval signature of the supervisor and the county superintendent of highways, it is

Ordered: That said plan be and is hereby approved by this Commission.

[Case No. 5274]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of THOMAS E. RYAN, Chairman Legislative Board Brotherhood of Locomotive Firemen and Enginemen, *against* ERIE RAILROAD COMPANY, asking that an assistant be provided for the motorman on electric trains between Rochester and Avon.

The complaint herein is in the form of letters addressed to the Commission. At the hearing there was some controversy as to its precise nature, and counsel for complainant contended that it was a general complaint that the electric trains on the Erie railroad between Rochester and Avon are operated in such a manner as to endanger the lives and persons of passengers and of crews. All the evidence related to a single feature of the operation and that only will be considered. The Rochester division of the Erie railroad extends from Rochester to Corning, and is electrified between Rochester and Avon, about twenty miles. On this part of the division there are two classes of passenger trains: one is operated locally and is made up of the equipment usually found on electric railroads: there is no complaint as to the operation of these trains. The other class consists of trains made up of what is known as steam equipment, that is of cars such as are ordinarily

operated on steam railroads. These trains are in fact drawn by steam locomotives as far as Avon where the steam locomotive is dropped and two electric cars built for carrying passengers are attached and used as motive power between Avon and Rochester. On these trains no passengers are carried in the motor cars, and no employees have been permitted to ride in them except the motorman in the leading car. Frequently the next car behind the motor cars is a "blind baggage car," that is a baggage car with no end doors. It seems probable also that where baggage cars with end doors are used baggage or express matter may be so stored within the car as to prevent access to the motor cars. It will thus be seen that the motorman is alone, and on some trains at least it is impossible for anyone to reach him or to reach his cab in case of accident. It is this condition that brings about the complaint. The controllers are equipped with what is known as a "dead man's button". The particular device used on these motors consists of a button on the controller handle upon which the motorman's hand must rest while the train is in motion. If the pressure of his hand is removed, the current is automatically cut off and the air-brake applied in emergency. This would seem to present a sufficient safeguard, but it appears that it is possible for the motorman to remove the air-valve from the apparatus and so render it inoperative. It does not appear that these electrically operated trains are insufficiently manned, but there is an element of danger in the possible removal of the air-valves and perhaps from other causes. It is not deemed desirable to require that an additional motorman or assistant ride in the cab. In fact, the only motorman who testified declared that the presence of another man in the cab would be a source of danger rather than an insurance of safety. Still the motorman's cab ought to be accessible to some other member of the train crew in emergency. It is therefore

Ordered: 1. That the respondent arrange the dead man's button valve on all of its electric motor cars in such manner that while said cars are drawing through trains, or trains known as steam equipment trains, in revenue passenger service on main line track between Rochester and Avon, such valves can not be readily removed or put in an inoperative condition; and by seals or otherwise in such manner that if removed or disconnected the fact will be indicated to inspectors.

2. That all trains drawn by electric motor cars while in operation on main line tracks in revenue passenger service be so made up that members of train crew can pass through any car of a train to another, including the motor car or cars; or in case it is impracticable to arrange a train in this manner, that a trainman in addition to the motorman shall ride in the motor car for the purpose only of stopping the train or assisting the motorman in emergencies, and only in such emergencies shall he occupy the cab with the motorman.

3. That respondent shall notify the Commission within ten days after the service of this order as to its acceptance thereof.

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[Case No. 5486]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF NIAGARA FALLS *against* INTERNATIONAL RAILWAY COMPANY as to service rendered the public.

This case was presented to the Commission by the complaints of many residents of the city of Niagara Falls complaining that the conditions of the service of the International Railway Company in said city are such as to render it practically impossible for passengers on its cars to reach their work in a reasonable time, and that there is great inconvenience by reason of the overcrowding of cars, and asking the Commission to investigate the matter; these complaints were served upon the International Railway Company, which company made a careful check of the car service in said city and found that on the Buffalo Avenue line the service was inadequate by reason of recent rapid increase in the passenger traffic; three additional cars were put in service on said line, as appears by the communication of Mr. E. G. Connette, president of the International Railway Company, filed with the Commission April 15, 1916. And an order having been made by the Commission based upon the stipulation of Alfred W. Gray, attorney for some of the complainants in this case, which stipulation is dated May 17, 1916, and filed with the Commission May 19, 1916, which order dismissed the complaints herein and closed this case upon the records of the Commission.

And prior to the entry of said order a protest having been received from A. W. Tucker, one of said complainants, alleging that his complaint herein was not satisfied; and a hearing having been duly held in this case in the city of Niagara Falls on the 5th day of June, 1916, at 11 o'clock a. m., at which hearing said A. W. Tucker, complainant, having appeared in person and by a representative of the firm of Dudley and Gray, attorneys; and Mr. Morris Cohn having duly appeared for the International Railway Company; and certain proofs having been taken on said hearing whereby it satisfactorily appears that the service of the respondent in the particular locality complained of in the city of Niagara Falls has been much improved since the filing of the complaints herein, and that at the present time it is satisfactory at all times except occasionally during rush hours some of the cars of the respondent are overcrowded because of temporary construction work in that part of the city which will soon be finished; and all of said complainants being willing that this case be closed at the present time, with the privilege of renewing the complaint in the future in case the said service becomes inadequate, it is therefore

Ordered: That the said order of this Commission dated May 25, 1915, be and the same hereby is superseded, and this case is now closed upon the records of the Commission, with the privilege to any of said complainants to renew said complaint at any time after October 2, 1916.

[Case No. 5495]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to an alteration in the manner in which a highway known as State Highway No. 5551 crosses the Albany and Susquehanna railroad (leased to and operated by The Delaware and Hudson Company) in the town of Duanesburgh, Schenectady county.

This petition herein alleges that public safety requires an alteration in the manner in which the state highway No. 5551 crosses The Delaware and Hudson Company's railroad, and asks this Commission to determine that such crossing be altered. The highway at present crosses the two existing railroad tracks overgrade. The position of the highway bridge which appears to be only 14 feet wide or thereabouts is, however, such as to necessitate a considerable amount of curvature on its approaches. In improving this highway the State Department of Highways proposes to diverge from the present highway in order to reduce the curvature, and has accordingly laid out a center line for a revised highway location, said line crossing the railroad at a distance of about 50 feet from the existing bridge structure. A hearing upon this application was held by the Commission May 22, 1916, at which L. E. Carr, W. H. Adey, and Frank Pond, respectively counsel, office engineer, and bridge engineer, appeared for The Delaware and Hudson Company; F. A. Hermans, bridge engineer, for the State Commission of Highways; and Elwood Moore, an interested property owner, in person; at which due proof of publication of notice of this hearing and of personal service of such notice upon all interested property owners as prescribed by statute was presented. The Delaware and Hudson Company asked that in the event of a new bridge being ordered its length should be such as to permit the laying of at least four tracks thereunder; this construction was not opposed by the Department of Highways, which has also agreed and consented to pay all land and damage costs, the entire cost of constructing the approaches, and the entire cost of constructing a new driveway to The Delaware and Hudson Company's railroad station.

Ordered: That a new highway bridge on a revised line of state highway No. 5551, in the town of Duanesburgh, Schenectady county, be constructed over the grade of the tracks of The Delaware and Hudson Company, and that approaches thereto be provided, all as hereinafter more fully described and specified.

East of the track the center line of the new or revised line of the state highway shall depart from the center line of the highway as it exists, at a point distant about 205 feet from the center of the main line track, measured along the present road; continuing thence westerly and curving to the left on a radius of 955 feet a distance of about 150 feet; thence tangent and across the railroad a distance of about 100 feet; thence on a curve of 261 feet radius to the right a distance of about 85 feet; thence tangent to the last above named curved a distance of about 200 feet to an intersection with the center line of the existing highway west of the tracks.

The bridge carrying the highway shall have a solid floor, a concrete paved roadway 18 feet wide between curbs, be of such length as to permit the laying thereunder of four railroad tracks, and so placed as to provide a clear headroom above the top of the rails as they exist of not less than 22 feet.

The earth approaches to the bridge shall be built to conform to the grades established by the State Department of Highways. East of the tracks the grade shall ascend toward the bridge at the rate of about $7\frac{1}{2}$ per cent for a distance of about 700 feet; thence by a 50-foot vertical curve to a level grade across the bridge; thence descending on the west side of the tracks at the rate of about 1.8 per cent to a vertical curve connecting with the present highway surface. East of the tracks a new approach leading from the revised line and surface of the highway shall be built to the Duane railroad station.

All construction on approach embankments, the paving therein, and the necessary protection or guard fencing shall be performed in compliance with plans and specifications prepared and adopted by the State Department of Highways. The approach to the station shall be graded to a width of not less than 22 feet and surfaced with gravel 16 feet wide.

The present bridge shall be left in place until the completion and acceptance of the work herein provided for, after which it shall be removed.

In pursuance of its consent and agreement aforesaid, the State Commission of Highways is not to be limited to its statutory share of the cost (one-half of the total) of the construction herein provided for and authorized, but shall pay and discharge the entire cost of the construction of the approaches to the bridge and of the roadway to the railroad station; one-half of the cost of the bridge construction, including masonry, superstructure, roadway and floor thereon; and all damages whatsoever on account of the construction and work herein authorized, and of the taking of any lands, rights, or easements which may be necessary in the premises: this order being granted upon the express condition that no financial liability or obligation on account of the construction and work herein provided for and authorized in excess of one-half of the cost of the complete bridge and its supports shall attach to or fall upon The Delaware and Hudson Company, and that all other costs of whatsoever nature and to whatsoever amount shall be charged against, be payable, and paid by the State Department of Highways.

The proposed change in highway alignment as herein specified, the location of the existing highway and bridge, etc., are shown upon a plan dated March 23, 1915, and entitled "Sheet No. 5, Duanesburgh, Schenectady Co." said plan being on file with this Commission.

[Case No. 5547]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of CHAUNCEY L. BUTLER and GEORGE W. GALLIEN, JR., copartners, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated to and from West Albany outside the city limits.

This application for a certificate of public convenience and necessity was filed with the Commission on May 10, 1916. A hearing was held at the office of the Commission in the city of Albany, N. Y., on May 22, 1916, at which time the petitioners appeared by William A. Glenn, and John E. MacLean appeared on behalf of the United Traction Company; and proof of publication

of notice of this application and hearing thereon was duly filed. The petitioners have procured a franchise from the City of Albany authorizing the operation of a motor vehicle or bus line from the railroad station on Broadway in the city of Albany north to Clinton avenue, to Pearl street, to State street, to Eagle street, to Washington avenue, to Allen street, to Exchange street, and the district school in West Albany, in the town of Colonie. This franchise was granted on May 1, 1916, and it provides that local passengers shall not be carried in either direction between the railway station on Broadway and the intersection of Washington and Central avenues in the city of Albany, but that the operation of such bus line shall be exclusively restricted to persons traveling beyond the said intersection of Washington and Central avenues within said city. It developed on the hearing that the operation of the line was intended primarily to serve the people of West Albany, in the town of Colonie, but that in order to conduct the business profitably it would be necessary to pick up and discharge passengers along the route to be operated in the city of Albany as far east as the junction of Central avenue and Washington avenue. Upon the route east of the points last mentioned the United Traction Company is now operating its cars and carrying passengers; also on Watervliet avenue north of Central avenue. Under the franchise, the bus line would have the right to compete for traffic on this last named street. South of Central avenue to Washington avenue, and on Washington avenue east to the junction of Washington avenue and Central avenue, there is no existing transportation facility excepting where Washington avenue crosses Quail street. The section of the city between Central avenue and Washington avenue on Allen street, and in the vicinity of Washington avenue and Allen street, is well populated, but from Lawrence street one block east of Allen street to Ontario street there is no traffic whatever because there is practically nothing but vacant land along Washington avenue. Ontario street is one block from Quail street, and from the junction of Ontario street and Washington avenue it is about 1000 feet to Central avenue. Washington avenue and Central avenue converge easterly from Ontario street for a distance of a little less than a mile, where they meet near Lark street. At Northern Boulevard the proposed bus line would be less than 150 feet from the lines of the Traction company; at Lexington avenue about 450 feet; at Robin street about 500 feet; and at North Lake avenue about 700 feet. The distance between Washington avenue and Madison avenue is approximately 1950 feet, all the way from Allen street to Lark street. A considerable portion of the territory south of Washington avenue between Lawrence street and Ontario street is not built up, and Washington Park takes in a large portion of the territory between Lark street and Lake avenue. This entire district between Allen street and Lark street is bisected by Quail street, through which the belt line cars of the United Traction Company operate. The portion of the city which the proposed bus line would serve has no transportation facility now except that supplied by the United Traction Company. It is admitted that practically all the traffic which the bus line would obtain in the city of Albany, disregarding West Albany traffic, would be taken away from the United Traction Company. The interested parties agree that the bus line could not live if it were restricted to West Albany traffic and to the carrying of passengers to and from the section bounded by North Allen street, Lincoln avenue, Kent street, Ontario street, and Lancaster street. Every passenger that it would obtain outside of this section would be taken directly away from the lines of the United Traction Company, beyond question. All of the evidence shows that the bus line would be a convenience but that it is not an actual necessity, because people along the route which it would traverse can reach the lines of the United Traction Company with some slight inconvenience, and that inconvenience only exists to a noticeable degree in the section along Allen street between Lincoln avenue and Lancaster street.

From the facts and the evidence presented to the Commission, it is apparent that public convenience and necessity do not require the granting of this application, because the public along the proposed route of the bus line is

now served by the lines of the United Traction Company fairly well. To grant this application would be to deprive the existing carrier, upon which the public depends, of the traffic which it is now enjoying, a substantial portion of which it would be necessary for the competing carrier to obtain in order to earn a sufficient revenue to pay its operating expenses. The result of granting such a certificate might be to deprive the public of the service which it is now getting on the Traction company lines in this section of the city, which would surely happen if its revenue should fall off to the point where it would be necessary to decrease the service. That this would not meet with the approval of the public goes without saying, as it expects service regularly each and every day in the year under all conditions. It has been repeatedly demonstrated that the way to secure better service from public utilities is not by introducing competitors into the field, as sooner or later one or the other is forced out of business and the public always pays all the expense incident to the experiment. Under all the circumstances, therefore, it having been determined that the application should be denied, it is

Ordered: That the application herein for a certificate of convenience and necessity be and the same hereby is denied and the case closed upon the records of the Commission.

[Case No. 5556]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK LEVINE,
JAMES O. CARR,
Commissioners.

Petition of GEORGE WISHART of New York city under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Seward, Schoharie county, and for approval of the exercise of the rights and privileges under a franchise therefor received from the town.

On May 11, 1916, there was filed with the Commission an application by George Wishart for permission to construct an electric plant and to exercise a franchise in the town of Seward, Schoharie county, New York. Proof of publication of notice of this application was filed with the Commission on June 2, 1916. A hearing was held at the office of the Commission in the city of Albany on June 5, 1916, at which time the petitioner appeared by Charles A. Hinckel; no one appearing in opposition. Since this application was made the petitioner has assigned to the Seward Electric Lighting and Power Company, Inc., the franchise granted to him by the town board of the Town of Seward on April 29, 1916, a copy of said assignment having been filed with the Commission, and seeks the approval of such transfer and the exercise of such franchise by the corporation which has been formed to transact this business. Lighting districts have been established at Seward and also at Hyndsville, and the new corporation has entered into a contract with the town board for lighting the streets in the lighting district at Seward, and has contracted or is about to contract for similar service at Hyndsville. The Commission having determined that its approval should be given to the transfer of said franchise by the petitioner to Seward Electric

Lighting and Power Company, Inc., and that public convenience and necessity require the construction of an electric plant and the exercise of the franchise granted by the town board of the Town of Seward on April 29, 1916, it is

Ordered: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law consent is hereby given *nunc pro tunc* to the assignment and transfer by George Wishart to the Seward Electric Lighting and Power Company of the franchise granted to him by the town board of the Town of Seward on April 29, 1916, which franchise was assigned by said Wishart to said corporation on or about June 1, 1916.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Seward Electric Lighting and Power Company to construct, maintain, and operate an electric plant, with transmission and distribution lines, in the town of Seward, Schoharie county, New York, and to exercise all the rights and privileges set forth in the franchise granted to George Wishart by the authorities of said town on April 29, 1916.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5562]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of NORTH SHORE ELECTRIC LIGHT AND POWER COMPANY and PORT JEFFERSON ELECTRIC LIGHT COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of the franchises, works, and system of the last named company to the first named company; which petition includes that of the North Shore company under section 69 of the Public Service Commissions Law for authority to issue \$20,000 common capital stock and \$53,000 5 per cent first mortgage 25-year gold bonds, and under section 70 for consent to acquire \$28,000 of the mortgage bonds of the Port Jefferson company.

Petition filed May 13, 1916; copy of minutes of special meeting of board of directors of petitioner held May 10, 1916, filed May 18, 1916; reports of electrical engineer dated May 18 and 23, 1916; report of division of capitalization dated May 29, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Port Jefferson Electric Light Company is hereby authorized to transfer and sell all of its property, rights, franchises, and immunities, except cash, bills and accounts receivable, and a certain unimproved parcel of land situate in the village of Port Jefferson, N. Y., which is described in clause VI of the petition filed May 13, 1916, but subject to its outstanding bonded indebtedness of \$28,000, to the North Shore Electric Light and Power Company, provided that there shall be no other outstanding indebtedness on such property at the date of the transfer,

and that the value of such assets at the date of the transfer to the North Shore Electric Light and Power Company shall not be less than their value at March 18, 1916; and this Commission hereby permits and approves of the transfer to and acquisition by the North Shore Electric Light and Power Company of the property, rights, franchises, and immunities of the Port Jefferson Electric Light Company as hereinbefore specified, subject to its outstanding bonded indebtedness of \$28,000.

2. That the North Shore Electric Light and Power Company is hereby authorized to issue \$53,000 face value of its 5 per cent twenty-five-year first mortgage gold bonds under a certain indenture dated January 1, 1915, given to the Northport Trust Company of Northport, N. Y., as trustee, to secure an authorized issue of a total face value of \$150,000.

3. That the North Shore Electric Light and Power Company is hereby authorized to issue \$20,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of at least \$20,000.

4. That said bonds of the total face value of \$53,000 shall be sold for not less than 85 per cent of their face value and accrued interest, to give net proceeds of at least \$45,050.

5. That said stock and bonds of the par and face value of \$73,000 so authorized, or the proceeds thereof to the amount of \$65,050, shall be used solely and exclusively for the following purposes:

(a) For the purchase and acquisition from the Port Jefferson Electric Light Company of all of its property, rights, franchises, and immunities, except cash on hand, bills and accounts receivable, and a certain unimproved parcel of land described in clause VI of the petition herein, subject however to an indebtedness of \$28,000 represented by its 5 per cent first mortgage bonds.....	\$37,000
(b) For the discharge and lawful refunding of the 5 per cent first mortgage gold bonds of the Port Jefferson Electric Light Company which are a prior lien on the property to be acquired.....	\$28,000
	<hr/>
	\$65,000
Excess.	<hr/>
	\$50

6. That if the said securities of a total par and face value of \$73,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$65,050, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the North Shore Electric Light and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the North Shore Electric Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the acquisition by the North Shore Electric Light and Power Company of the franchises and property of the Port Jefferson Electric Light Company shall be recognized on its books by charging the cost of such property to a suspense account, the distribution of which among the prescribed accounts will be hereafter determined upon by the Commission, at which

time the Commission will also certify as to whether or not the purposes for which the proceeds of the securities herein authorized are to be used are in whole or in part reasonably chargeable to operating expenses or to income.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said companies shall file with this Commission satisfactory, verified stipulations duly authorized by their boards of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order.

[First District, Case No. 2099; Second District, Case No. 5591]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of THE LONG ISLAND RAILROAD COMPANY as to relief from the provisions of section 36 of the Public Service Commissions Law with reference to rates on gravel in carload lots from Blissville Docks to Long Beach and intermediate points.

The Long Island Railroad Company made application to the Public Service Commission for the First District and to the Public Service Commission for the Second District under section 36 of the Public Service Commissions Law by petition verified May 2, 1916, for authority to continue in effect the following rates in cents per two thousand pounds on gravel in carload lots, subject to a minimum weight of forty thousand pounds per car, from Blissville Docks in the First District to the following points, some in the First District and some in the Second District:

<i>To</i>		<i>To</i>	
Nichols Siding	42	Jamaica.	47
Laurel Hill	42	St. Albans	47
Bushwick Junction	42	Springfield. . .	53
Glendale. . .	47	Rosedale. . .	53
Richmond Hill	47	Valley Stream	53
Lynbrook.	53		

The said rates are in excess of a rate of forty cents per two thousand pounds on gravel, in carload lots of forty thousand pounds or more, on the same line in the same direction for a longer distance, namely from said Blissville Docks to Long Beach in the Second District, published by The Long Island Railroad Company to become effective May 2, 1916, under special permission of the Public Service Commission for the Second District dated April 28, 1916.

This application came on for investigation May 26, 1916, before both Commissions, pursuant to resolution of the Commission for the First District; present Commissioners Henry W. Hodge, Travis H. Whitney, and Charles

S. Hervey of the First District; and Commissioner William Temple Emmet of the Second District; and The Long Island Railroad Company thereupon prayed an order of both Commissions authorizing the continuance of said rate to Long Beach and said higher rates to said intermediate points. After such investigation it is

Ordered by the Public Service Commission for the Second District that said petitioner be and it hereby is authorized (1) to establish and maintain, effective May 2, 1916, a rate on gravel, in carload lots of forty thousand pounds or more per car, from Blissville Docks to Long Beach of forty cents per two thousand pounds; (2) to continue from and after May 2, 1916, rates on gravel, in carload lots of forty thousand pounds or more per car, to the following named intermediate points:

To		To	
Nichols Siding	42	Jamaica.	47
Laurel Hill	42	St. Albans	47
Bushwick Junction	42	Springfield. . .	53
Glendale.	47	Rosedale.	53
Richmond Hill	47	Valley Stream	53
Lynbrook.	53		

provided however that said rate of forty cents per two thousand pounds from Blissville Docks to Long Beach shall be continued by the said The Long Island Railroad Company only until October 1, 1916, and not longer unless on further application additional authority be given.

The Commission does not hereby approve any rates that may be established under this authority, all such rates being subject to complaint, investigation, and correction if they conflict with any other provision of the Public Service Commissions Law.

This order shall take effect immediately.

[Case No. 5539]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of PHILIP W. SCHELL, CHARLES W. SCHELL, AMASA J. BOYCE, THURLOW WEED BARNES, 2ND, LOCUST FARMS COMPANY, AND OTHERS against ALBANY SOUTHERN RAILROAD COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY as to rates and service on milk and cream to New York city.

This complaint having been served on the railroad companies and answers received; and it being stated in the Albany Southern Railroad Company answer that "after reviewing the above case with Mr. Martin Decker, attorney for petitioners, we have decided that we will at once make effective a rate on fluid milk or buttermilk in 40-quart cans, less carload, per can 31.5 cents; carload, 28.4 cents per can. In 12-quart cases, less carload 13.2 cents; carload, 11.9 cents per case, to New York, on which rate the Albany Southern Railroad will receive 25 per cent of the through rate to New York. This rate will apply on shipments made every day in the week, including Sundays. The rate will be effective as an experimental rate for the period of six (6) months on and after July 1, 1916. We do this in order to encourage the milk industry adjacent to the Albany Southern territory and

for the benefit of the milk producers. If after this six (6) month period the income from the milk traffic does not equal the expense of carrying on same, we will then file a new rate subject to the approval of the Public Service Commission of the Second District of the State of New York."

And Martin S. Decker for complainants, and the Albany Southern Railroad Company by James E. Hewes, general manager, having filed with the Commission a stipulation, as follows: "Complainants and respondent, Albany Southern Railroad Company, hereby stipulate that upon the taking effect of a new milk and cream tariff from Albany Southern stations to New York city showing either joint or proportional rates and naming joint or proportional rates no higher than those now in force for milk and cream in cans and bottles in cases from Castleton and other stations on the Hudson River division of the New York Central railroad to New York city, that this proceeding may be closed upon the records of this Commission, with the right in any party to a reopening of the proceeding after six months from the effective date of said new tariff, the rates named in said new tariff to remain in force however until the disposition of this proceeding upon such reopening"; and it appearing that it is not necessary that The New York Central Railroad Company join in this stipulation, it is

Ordered: That this case is hereby closed on the records of this Commission on the conditions stated in the stipulation hereinabove quoted.

[Case No. 2909]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to changing from grade the crossing of the New York Central and Hudson River railroad and the highway known as state highway route 30, in the town of Potsdam, St. Lawrence county.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways showing expenditures to the amount of \$37,030.65, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$35,709.09 has been expended by the railroad corporation and the sum of \$1321.56 has been expended by the State of New York, the accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$37,030.65 thus expended and herein accounted for, the share of the amount chargeable to The New York Central Railroad Company is the sum of \$18,515.33; and the share of the State of New York is the sum of \$18,515.32, upon which it is entitled to a credit of \$1321.56 expended by it as aforesaid, leaving as a balance now due and payable by the said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$17,193.76.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
WILLIAM T. EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.

A letter dated June 6, 1916, has been received from the Conservation Commission, in which it is stated that said Commission has no objection to a modification of the order of this Commission dated November 23, 1915, modified by order dated May 23, 1916, which will permit the Grasse River Railroad Corporation to operate its coal-burning locomotives between the hours of 7:45 p. m. and 8 a. m. from April 15th to November 1st in each year, instead of between 8 p. m. and 8 a. m. This letter is in response to a query received by the Conservation Commission from the Grasse River Railroad Corporation asking if said Commission has any objection to such modification, accompanied by a statement by the president of the corporation that because of the maintenance of a patrol behind its trains drawn by coal-burning locomotives operating after 8 p. m., which patrol consists of its gasoline passenger car, and which for the convenience of the public carries passengers, said gasoline car is unable to reach the junction with the New York Central railroad at Childwold sufficiently early to connect with a train scheduled at that station at 9:05 p. m. A modification of the order as above stated will permit this connection to be made. Now therefore

Ordered: That the last paragraph of the order of this Commission dated November 23, 1915, modified by order dated May 23, 1916, be and hereby is further modified as follows:

"It is further Ordered: That no locomotive burning coal for the generation of steam shall be used on said railroad within the Forest Preserve during the period from April 15th to November 1st in each year between the hours of 8 a. m. and 7:45 p. m.; that no locomotive burning coal for the generation of steam shall be used on said railroad within the Forest Preserve during the period from April 15th to November 1st in each year between the hours of 7:45 p. m. and 8 a. m. unless said locomotive shall have been inspected by this Commission and a certificate issued entitling such locomotive to burn coal during said hours, which certificate shall be revocable at the pleasure of the Commission; that any locomotive thus permitted to burn coal between the hours of 7:45 p. m. and 8 a. m., drawing a train scheduled to be operated between these hours, may continue through to destination when said train is not more than two hours late; that locomotives or cars propelled by internal combustion motors, or by electric motors driven by electric current secured from storage batteries, may be operated on said railroad at any time."

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of June, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of proposed new passenger fares by various common carriers subject to the jurisdiction of this Commission.

Upon facts found and for reasons stated in the accompanying opinion of Commissioner Carr, it is

Ordered: That The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company respectively, be and they severally are hereby directed to cancel on or before July 1, 1916, the tariffs containing schedules of individual and joint fares and charges for transportation within the State of New York over the lines of the said The New York Central Railroad Company, the West Shore Railroad Company, and the Boston and Albany Railroad Company, respectively, heretofore filed with this Commission and proposed to become effective on the 1st day of January, 1916, and all of which said schedules are now under suspension until July 1, 1916, by order of this Commission.

[Case No. 331]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to discontinuance of operation of passenger trains on the R., W. & O. Railroad, lessee, between Rochester and Windsor Beach, the trains to be operated on the N. Y. C. Charlotte branch; and under section 34 of the Railroad Law for consent to the discontinuance of the R., W. & O. State Street passenger station in Rochester.

Modification
of
order.

Originally this was an application by The New York Central and Hudson River Railroad Company for permission to discontinue passenger operation between Rochester and Windsor Beach on the line formerly owned by the R., W. & O. Such permission was granted by the Commission June 18, 1908, but the order then required that flagmen should be stationed at a number of crossings within the city of Rochester. October 19, 1914, The New York Central and Hudson River Railroad Company made further application for

permission to discontinue the flagmen, and in lieu thereof to restrict the movement of its trains to six miles per hour and carry on each train an extra man as a traveling flagman. March 2, 1915, an order was made, in part granting and in part denying such petition. This order was quite specific as to the movement of trains, requiring them to stop before crossing each street except those where flagmen were retained, and also contained the following: "7. For the protection of school children, no movements except in cases of emergency shall be made between the hours of 8 and 9 a. m., 11:30 a. m. and 1:30 p. m., and 3:30 and 6 p. m."

All movements on this line are in the nature of switching movements, trains being hauled from Charlotte and cars dropped from place to place at industries and small yards along the line. Returning, cars are picked up at these points and taken to Charlotte. At the hearing that led to the order of March 2, 1915, there were many appearances in opposition to the withdrawal of the flagmen. Notice of the hearing on the present application, held in Rochester June 3, 1916, was given to all who appeared at the former hearing. Besides The New York Central Railroad Company, successor of The New York Central and Hudson River Railroad Company, there was no appearance except by the deputy corporation counsel and the alderman of one of the wards through which the line of track extends. It appeared that there have been no accidents since the order of 1915, and no complaints as to its violation or as to dangerous conditions resulting therefrom, so that apparently it accomplished the object in view of affording even better protection than had been afforded by flagmen. The present application is for a modification of the seventh paragraph above quoted so as to permit operation of trains at all hours on Saturdays, Sundays, and other days when no schools are in session. It is claimed that the hours are so closely restricted that it is not always possible to perform the necessary work in any one interval, so that engines and crews must be held over until the next period for operation or the work left undone for a considerable period. The city officials appearing at the hearing expressed no substantial objection to such modification. Their complaint was that operations during the night and in the very early morning are accompanied by much noise to the great disturbance of the neighborhood adjoining the tracks, which is chiefly a residence neighborhood. It appears that there is a regular morning movement starting at Charlotte at 4:30 a. m.; and on occasions, movements during the earlier night time. The handling of ice and perishable freight seems to require such movements, and these must necessarily be accompanied by more or less noise especially because of the frequent stopping and starting. The division superintendent promised at the hearing to give orders forbidding the use of the whistle except in emergency. This will undoubtedly afford some relief. The modification of the order sought by the company ought to give further relief as the early movement is at times required in order that it may be completed and the locomotive withdrawn from the section prior to 9 a. m. If the order be modified as proposed, there will be some days, especially in Summer, when it would seem that the starting of the movement might be deferred. It is therefore

Ordered: That paragraph 7 of the order of March 2, 1915, be and the same is amended to read as follows:

7. For the protection of school children, no movements except in cases of emergency shall be made on days when any schools are in session between the hours of 8 and 9 a. m., 11:30 a. m. and 1:30 p. m., and 3:30 and 6 p. m.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Upon the joint recommendation of the Village of Bronxville as expressed in a letter dated June 6, 1916, from the village president, and of The New York Central Railroad Company as similarly expressed in a letter dated June 1, 1916, from the engineering assistant to the vice-president, for the approval of the revisions of certain details on bridge plan sheets Nos. 1 and 2 heretofore approved, said revisions referring primarily to a more satisfactory arrangement at the ends of the highway bridges, it is

Ordered: That revised bridge plan sheet No. 1, dated July 8, 1915, issue No. 6, and revised bridge plan sheet No. 2, dated August 21, 1915, issue No. 5, of the above named plans be and are hereby approved.

[Case No. 5222]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the SENECA-GORHAM TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue \$5000 in 6 per cent bonds under an existing first mortgage, and for ratification of the issuance of \$2600 of such bonds.

Petition filed October 2, 1915; certified copy of certificate of incorporation filed October 6, 1915; report division of capitalization dated December 8, 1915; amendatory petition filed January 14, 1916; report of telephone engineer dated May 11, 1916; final report of division of capitalization dated June 6, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entry contained in the report of the division of capitalization in this proceeding dated December 8, 1915, which on December 15, 1915, was sent to the corporation, such entry being listed on page 8 thereof as modified by the final report of that division dated June 6, 1916, shall be entered upon the books of the Seneca-Gorham

Telephone Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entry has been made.

2. That the issuance and sale at their face value, at various times from September 23, 1911, to August 16, 1915, by the Seneca-Gorham Telephone Company of a total of \$5200 face value of its 6 per cent 15-year first mortgage gold bonds, the proceeds of which were used to pay debt and for new construction, is hereby authorized *nunc pro tunc*.

3. That the Seneca-Gorham Telephone Company is hereby authorized to issue \$5000 face value of its 6 per cent 15-year first mortgage gold bonds under a certain indenture dated July 31, 1906, given to Edward G. Hayes as trustee, to secure an authorized issue of a total face value of \$50,000.

4. That said bonds of the total face value of \$5000 shall be sold for not less than 95 per cent of their face value and accrued interest, to give net proceeds of at least \$4750.

5. That said bonds of the face value of \$5000 so authorized, or the proceeds thereof to the amount of \$4750, shall be used solely and exclusively for the payment and discharge of six one-year promissory notes with interest outstanding at July 1, 1915, or their renewals, as follows:

<i>Date</i>	<i>Payable to</i>	<i>Interest paid to</i>	
(a) Jan. 20, 1905	E. A. Squire	April 1, 1915.....	\$1,000
(b) Jan. 28, 1905	E. A. Squire	April 1, 1915.....	500
(c) Mch. 12, 1905	W. C. Squire	April 1, 1915.....	1,000
(d) July 1, 1905	G. C. Squire	Feb. 11, 1915.....	1,000
(e) Apr. 1, 1906	G. W. Taylor	Apr. 1, 1915.....	800
(f) Apr. 1, 1908	H. C. Hipolite	Apr. 1, 1915.....	700
			<hr/> \$5,000

Amount unprovided for..... \$250

6. That if the said bonds of a total face value of \$5000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$5000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Seneca-Gorham Telephone Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Seneca-Gorham Telephone Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

9. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant; nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission, and until the further recommendations set out in the report of the division of capitalization dated December 8, 1915, and the final report of that division dated June 6, 1916, shall have been fully satisfied.

10. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of bonds herein authorized was and is reasonably required for the purposes specified in this order, and that such purposes are properly chargeable to operating expenses.

[Case No. 5290]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of EDISON ELECTRIC LIGHT AND POWER COMPANY OF AMSTERDAM, NEW YORK, under section 69 of the Public Service Commissions Law for authority to issue \$327,000 common capital stock, a first mortgage for \$1,500,000, and \$350,000 in 5 per cent bonds to be secured by said mortgage.

In the matter of the petition of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY for leave to acquire 2770 shares of the capital stock of said Edison Electric Light and Power Company of Amsterdam, New York.

By order entered herein on the 4th day of April, 1916, the Edison Electric Light and Power Company of Amsterdam, New York, was authorized to issue at not less than its par value \$277,000 par value of its common capital stock, execute a mortgage for \$1,500,000, and issue thereunder at not less than 85 per cent of their face value \$400,000 face value of 5 per cent 30-year first mortgage gold bonds, the proceeds realized from the sale of said securities to be used among other things for the discharge of bills payable outstanding to the aggregate amount of \$564,122.54, and accounts payable amounting to \$17,367.88. It appears that \$268,659.04 of the former and all of the latter are now owing to the Fonda, Johnstown and Gloversville Railroad Company, and by application filed herein on the 6th day of June, 1916, that company, which now owns the entire issued capital stock of the Edison Electric Light and Power Company of Amsterdam, except directors' qualifying shares, prays for authority to purchase at par and hold the 2770 shares each of the par value of \$100 of common capital stock of the said Edison Electric Light and Power Company of Amsterdam, New York, heretofore authorized herein, or any part thereof, such purchase to be paid for by satisfying an equal amount of obligations of said Edison company held by the petitioner herein. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to purchase, acquire, and hold all or any part of the 2770 shares of common capital stock each of the par value of \$100 of the Edison Electric Light and Power Company of Amsterdam,

New York, authorized to be issued by order of this Commission dated April 4, 1916, heretofore entered in this proceeding, which stock shall be paid for by the satisfaction of an amount of obligations of said Edison company held by the petitioner herein equal to the par value of the stock so acquired and held.

2. That the Fonda, Johnstown and Gloversville Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been acquired in accordance with the authority contained herein and the date of such acquisition; (b) from whom such stock was acquired; (c) what obligations of the Edison Electric Light and Power Company of Amsterdam, New York, have been discharged in consideration of such acquisition; (d) any other terms and conditions of such acquisition. Such reports shall continue to be filed until all of the stock heretofore authorized herein shall have been issued in accordance with the authority contained in the orders entered herein, and if during any period no stock was purchased the report shall set forth such fact.

3. That the Fonda, Johnstown and Gloversville Railroad Company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5426]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the WOODLAWN
IMPROVEMENT ASSOCIATION TRANSPORTATION CORPO-
RATION under chapter 667 of the laws of 1915 for
a certificate of convenience and necessity for the
operation of a stage route by auto busses in the city
of Albany alone.

A certificate of convenience and necessity was granted to the petitioner March 16, 1916, for the operation of an auto bus line from the Union Station in Albany over certain streets to the junction of Madison and New Scotland avenues, thence on New Scotland avenue to the city line of Albany. The route as defined in the city ordinance granting consent to its operation and in the certificate aforesaid was in part as follows: On Hudson avenue to Lark street, thence to Madison avenue, thence to New Scotland avenue. By ordinance approved March 20, 1916, the original consent of the city was amended by changing said portion of the route so that it would extend along Hudson avenue to Willett street, thence to Madison avenue, thence to New Scotland avenue, and thence on New Scotland avenue to the city line. Application is now made for an amendment of the certificate of convenience and necessity to conform to the changed route. It appears that the proposed route is more desirable and avoids for two blocks passing over streets occupied by the rails of the United Traction Company. It is therefore

Ordered: That the certificate of convenience and necessity heretofore granted be and the same is amended to read as follows: Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Woodlawn Improvement Association Transportation Corpo-

ration of an auto bus line, as provided in the consent heretofore granted by the mayor and common council of the City of Albany, a copy whereof is attached to the petition herein, in, over, upon, through, and along Broadway in said city of Albany from the Union Station north to Orange street, to North Pearl street, to South Pearl street, to Hudson avenue, to Willett street, to Madison avenue, to New Scotland avenue, to the city line; and returning, starting at the city line on New Scotland avenue, thence along New Scotland avenue to Madison avenue, to Willett street, to Hudson avenue, to South Pearl street, to State street, to Broadway, to the Union Railroad Station. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Albany and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the WESTERN NEW YORK UTILITIES COMPANY, INC., (formerly the A. L. Swett Electric Light and Power Company) under section 69 of the Public Service Commissions Law for authority to execute and deliver a first mortgage to secure \$5,000,000 5 per cent thirty-year gold bonds, and to issue now \$700,000 of the bonds; and for annulment of order authorizing another mortgage and bonds.

Petition filed March 14, 1916; report of division of capitalization dated May 5, 1916; report of gas engineer dated May 10, 1916; report of electrical engineer dated June 1, 1916; form of proposed mortgage filed June 8, 1916; final report of division of capitalization dated June 13, 1916; proposed mortgage in final form filed June 12, 1916; certified copy of minutes of board of directors authorizing execution of mortgage filed June 12, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order of this Commission heretofore entered in case No. 2692 on the 29th day of July, 1914, is hereby modified and amended to authorize the issuance of only \$34,000 face value of 5 per cent thirty-year gold bonds; the authorization in addition thereto to execute a mortgage for \$2,000,000 and to issue \$303,000 face value of bonds thereunder being hereby canceled.

2. That the Western New York Utilities Company, Inc., is hereby authorized to execute and deliver to The New York Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the 1st day of June, 1916, to secure an issue of thirty-year gold bonds, bearing interest at the rate of 5 per cent per annum payable semiannually on the first days of June and December in each year, to the aggregate amount of \$5,000,000 face value, a copy of which has been filed with this Commission herein; and that the form of such indenture filed herein on the 12th day of June, 1916, and marked "Revised Exhibit A,"

is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

3. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy of the mortgage in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the mortgage as executed and delivered is the same as that herein approved by this Commission.

4. That the Western New York Utilities Company, Inc., is hereby authorized to issue \$700,000 face value of its 5 per cent thirty-year gold bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$700,000 shall be sold for not less than 90 per cent of their face value and accrued interest, to give net proceeds of at least \$630,000.

6. That said bonds of the face value of \$700,000 so authorized, or the proceeds thereof to the amount of \$630,000, shall be used solely and exclusively for the following purposes, provided that such bonds or their proceeds may be used for the payment of the following described obligations or the renewals thereof, or for the reimbursement of the treasury of the petitioner for any payments for the discharge of any of such obligations or their renewals:

(a) For the refunding of the following funded debt outstanding on December 31, 1915:

1. First mortgage 5 per cent bonds of the petitioner maturing August 1, 1933.....	\$250,000	
Less acquired by company by purchase on August 1, 1912.....	\$6,600	
Retired by sinking fund provisions..	19,900	
	<u>26,500</u>	
Total.....		\$223,500
2. 5 per cent bonds of the Albion Power Company maturing September 1, 1919.....		74,500
3. 6 per cent mortgage on the Brockport plant due on demand.....		10,000
4. 5 per cent mortgage on house at Albion maturing April 19, 1919		1,000
		<u>\$309,000</u>
(b) For the discharge of bills payable outstanding at December 31, 1915, as set forth on pages 4 and 5 of the petition herein.....		321,000
		<u>\$630,000</u>

7. That if the said bonds of a total face value of \$700,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$630,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Western New York Utilities Company, Inc., unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

9. That the Western New York Utilities Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained therein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5545]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of DESPATCH HEAT, LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the incorporated village of Pittsford, and in the towns of Pittsford and Perinton, Monroe county, a gas plant, including pipes and appurtenances, for furnishing gas to the public for light, heat, or power; and for approval of franchises therefor received from municipal authorities, the franchises also covering electricity which has been furnished in these municipalities for some years by this petitioner.

The Despatch Heat, Light and Power Company seeks permission under section 68 of the Public Service Commissions Law to construct in the incorporated village of Pittsford, and in the towns of Pittsford and Perinton, all in Monroe county, a gas plant for furnishing gas to the public, and also for approval of franchises in the same municipalities for that purpose. The franchises are as follows: (1) Resolution of the board of trustees of the Village of Pittsford passed October 18, 1906; (2) resolution of the town board, signed also by the commissioner of highways, of the Town of Pittsford, November 1, 1905; (3) resolution of the town board of the Town of Perinton passed December 28, 1905. Each of these franchises authorizes the construction and maintenance of wires, pipes, and other conductors for electricity, gas, and steam for light, heat, and power purposes in the streets, avenues, parks, and other public places of the village and towns respectively stated. The franchises for electricity have been in fact exercised since shortly after they were granted. It is now desired to lay gas mains and furnish gas in the village of Pittsford and in the two towns, particularly in the village of Pittsford and the village of East Rochester, lying partly in each town, and which since the granting of the franchises by the towns of Perinton and Pittsford has been incorporated, and in its incorporation assumed expressly the obligations and rights of an easement theretofore granted to the applicant by the proprietors of the land included in such corporation for the purposes specified in this petition. The Pittsford Light and Heat Company has

since 1905 been furnishing acetylene gas in a portion of the village of Pittsford, and its secretary and treasurer filed his affidavit to that effect and stating that there is no need for other gas supply within that village. At the hearing held, after due notice, in the city of Rochester June 3, 1916, there was no appearance on behalf of said Pittsford Light and Heat Company and no appearance in opposition to the granting of the application. It appeared that May 17, 1916, the village board of the Village of Pittsford passed a resolution purporting to revoke the franchise granted October 18, 1906, in so far as applied to the supplying of gas, but that on the 29th day of May, 1916, it passed a resolution rescinding the resolution of May 17th. It further appeared that the acetylene plant of the Pittsford company had deteriorated and is no longer sufficient to supply the needs of the village. It is therefore determined and stated that the construction of said plant and the exercise of said franchises are necessary and convenient for the public service; and it is

Ordered: 1. That the permission and approval of the Commission be given to Despatch Heat, Light and Power Company, under section 68 of the Public Service Commissions Law, to construct in the incorporated village of Pittsford and in the towns of Pittsford and Perinton, Monroe county, a gas plant, including pipes and appurtenances, for furnishing gas to the public for light, heat, and power.

2. That the permission and approval of the Commission be given to said Despatch Heat, Light and Power Company to exercise the rights and privileges conferred by said franchises granted by the board of trustees of the Village of Pittsford October 18, 1906; by the town board and commissioner of highways of the Town of Pittsford November 1, 1905; and by the town board of the Town of Perinton December 28, 1905, copies whereof are on file with the papers in the application.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5559]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of ADIRONDACK AND ST. LAWRENCE RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to construct a switch and sidetrack from its railroad in the incorporated village of Hermon, St. Lawrence county, across a highway to the plant of the Hudson Condensed Milk Company; and for approval of the exercise of a right therefor granted by the Supreme Court.

The Adirondack and St. Lawrence Railroad Company desires to construct a sidetrack from a point near its terminus in the village of Hermon, about fifteen hundred (1500) feet to the plant of the Hudson Condensed Milk Company. In order so to do it is necessary to cross a street in the village known as West Main street. The street is not a part of any state or county highway. The movements of trains over the siding will be few in number, to wit about four a day, and while it may be physically practicable it is not economically practicable to make the crossing otherwise than

at grade. The authorities of the village have given their consent to such crossing, and the Supreme Court has authorized the same by order entered April 24, 1916, in the office of the county clerk of St. Lawrence County. The construction of the siding will permit the direct handling of a large volume of freight for the Hudson Condensed Milk Company now hauled by teams. It is therefore

Ordered: 1. That permission of the Commission be given to the Adirondack and St. Lawrence Railroad Company to construct and operate a freight spur or sidetrack grade crossing across the highway in the village of Hermon, St. Lawrence county, N. Y., known as West Main street, at a point westerly of the railroad station in said village approximately as shown on the map attached to the petition herein.

2. That the approval of the Commission be and the same is granted to the exercise of the right conferred by the order of the Supreme Court aforesaid for the construction of said crossing.

3. That said sidetrack at the point of said highway crossing shall be so constructed and maintained as not unnecessarily to impair the usefulness of said street, and in accordance with any lawful regulations of the authorities of said Village of Hermon; and no engine or car shall be operated across said West Main street on said sidetrack unless preceded by a flagman to warn approaching travel.

[Case No. 5585]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the WATERTOWN TRANSPORTATION COMPANY for permission to issue fourteen shares of its capital stock to William L. Gould.

Petition filed May 23, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Watertown Transportation Company is hereby authorized to issue \$700 par value of its common capital stock which shall be sold at a price not less than the par value thereof, to give net proceeds of at least \$700.

2. That said stock of the par value of \$700 so authorized, or the proceeds thereof to the amount of \$700, shall be applied solely and exclusively toward the purchase of three Buick Motor Company's chassis, \$700.

3. That the Watertown Transportation Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5586]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the FREEPORT RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority *nunc pro tunc* April 12, 1912, to issue \$20,000 capital stock.

Petition filed June 1, 1916; report of division of capitalization dated June 12, 1916. Now therefore, upon the foregoing record,

Ordered: That the issuance by the Freeport Railroad Company on April 12, 1912, of 200 shares each of the par value of \$100 of its common capital stock, the sale of such stock at par, and the use of the proceeds realized from such sale for corporate purposes in the organization of the petitioner, and the securing of material for and construction of its railroad and facilities, is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the stock herein authorized *nunc pro tunc* was reasonably required for the purposes specified in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman.
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation of the Erie Railroad Company as indicated by the signature of its assistant chief engineer and engineer of bridges and buildings upon the paving and drainage plan, sheet No. 1, dated July 29, 1915 (last revision March 16, 1916), and upon paving and drainage plan 1 C, dated October 21, 1915 (last revision February 7, 1916); and upon

the approval of the city as similarly indicated by the approval signature of the city engineer; it is

Ordered: That plan sheet No. 1, dated July 29, 1915 (latest revision March 18, 1916), and plan sheet No. 1 C, dated October 21, 1915 (latest revision February 7, 1916), be and are hereby approved by this Commission.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Ordered: That a second intermediate accounting and settlement of expenses incurred by the Erie Railroad Company, the City of Jamestown, and the State of New York on account of the work now in course of progress under order of this Commission in the above entitled matter be entered into between the interested parties, said accounting to include all expenditures to June 15, 1916.

[Case No. 3211]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for the elimination of the following grade crossings in the town of Lloyd, Ulster county: (1) the North road to Black Lake; (2) the New Paltz Turnpike, also known as the Whittley crossing; and (3) for determining the manner in which the proposed new crossing at Brooks crossing shall be constructed.

The completed work performed by the Central New England Railway Company in the above entitled matter, in so far as the same refers to the crossing known as Brooks crossing, and a crossing on the road leading from North road to Black Lake, having been completed in accordance with the determination of the Commission dated April 28, 1913, and approved plans and specifications, said work being satisfactory to the railway company and to the local authorities as shown by letter dated May 29, 1916, from the county engineer.

Ordered: That the completed work at Brooks crossing and at the crossing of the North road to Black Lake be and is hereby approved.

474 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4212]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY under sections 55 and 69 of the Public Service Commissions Law for authority to issue \$617,000 in first consolidated mortgage 5 per cent 50-year bonds, \$850,000 7 per cent cumulative first preferred capital stock, and \$317,000 5 per cent cumulative second preferred capital stock.

Petition filed April 1, 1914; hearing held April 15, 1914; stipulation filed April 18, 1914; detailed analysis of fixed capital filed October 12, 1914; analysis of work in progress filed October 12, 1914; inventory of tangible property as of June 30, 1914, of Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company, filed January 21, 1915; report of gas engineer dated July 2, 1915; report of electrical engineer dated August 12, 1915; report of transportation engineer dated August 16, 1915; reports of division of capitalization dated August 20 and September 16, 1915, and other reports, memoranda, etc., transferred from case No. 2844. By order herein dated April 22, 1914, the Elmira Water, Light and Railroad Company was authorized to issue \$617,000 face value of its 5 per cent 50-year first consolidated mortgage bonds and \$1,167,000 of its capital stock. \$850,000 of which was 7 per cent cumulative first preferred and \$317,000 5 per cent cumulative second preferred. The bonds were to be sold for not less than 85 per cent of their face value and accrued interest, and the stock for not less than its par value, and the proceeds were to be used for certain specified purposes. In connection with that application the petitioner was to do certain things, including the correction of its balance sheet accounts, more particularly its fixed assets accounts and its reserve for accrued amortization, to the facts which were to be determined by the Commission. From the verified reports which the petitioner has filed in this case all of the securities have been disposed of and their proceeds accounted for. The other requirements above referred to of the order herein of April 22, 1914, have not been satisfied, and as similar adjustments in the accounts of the Elmira and Seneca Lake Traction Company are required by order of even date herein in connection with an application in case No. 5357, filed by the Elmira Water, Light and Railroad Company, for permission to merge the Elmira Transmission Corporation and to acquire the assets and liabilities of the Elmira and Seneca Lake Traction Company, these unsatisfied provisions of the order herein of April 22, 1914, are transferred to that last named case. Now therefore, upon the foregoing record,

Ordered: That the requirements of the order herein dated April 22, 1914, exclusive of those referring to the issuance of securities and the disposition of proceeds, and more particularly those contained in the stipulation recited in the aforesaid order and clauses 10, 11, 12, and 13 thereof, are hereby transferred to case No. 5357, and this case is closed on the records of the Commission.

[Case No. 4970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the NASSAU AND SUFFOLK LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue additional first mortgage bonds.

Second
amendatory
order.

Under date of July 1, 1915, an order was entered in this proceeding authorizing the Nassau and Suffolk Lighting Company to issue \$429,000 of its 5 per cent thirty-year first mortgage bonds, and \$140,200 par value of its common capital stock, and to use the proceeds of such securities for certain purposes in said order prescribed. The order further provided that the proceeds of such securities could be used only for expenditures made before December 1, 1915, on the specified additions, betterments, and extensions for which such securities were therein authorized. By verified reports filed herein it appears that on December 31, 1915, of the stock and bonds then authorized to be issued and sold there remained unissued \$140,200 of stock and \$131,000 of bonds, and that of the proceeds of sales of stock and bonds which had actually been issued and sold there remained unused and in hand as of the last mentioned date the sum of \$178,808.69. Under date of February 12, 1916, the corporation petitioned the Commission to extend the period during which the proceeds of the securities authorized could be used one year from December 1, 1915. In accordance with the requirements of ordering clause No. 6 of the aforesaid order, the accounts and properties of the petitioner have been examined by the representatives of the Commission and the tentative report of the results of such examination, a copy of which has been placed in the hands of the applicant corporation, was considered at the hearing held on June 15, 1916. At its request the petitioner has been allowed thirty days from the date hereof to consider said report and to file with this Commission any reply it may desire to make to said report; pending the receipt of any such reply and until the expiration of the interval mentioned, the determination by the Commission of all questions relative to the accounting by the petitioner for the expenditures of the proceeds of securities heretofore and herein authorized and the expenditures heretofore made and charged to fixed capital since the organization of the petitioner is reserved. Upon the foregoing, and upon the agreement of the petitioner as entered in the minutes to comply with all the requirements of the orders of this Commission in this matter, and especially the order of July 1, 1915, and of this amendment thereof,

Ordered as follows: 1. That ordering clause No. 12 of the order herein dated July 1, 1915, be and it hereby is amended to read as follows: "12. That the proceeds of stocks and bonds herein authorized can be used only for expenditures made before December 1, 1916, on the specified additions, betterments, and extensions for which such proceeds are herein authorized."

2. That all questions relative to the accounting by the petitioner for the expenditure of the proceeds of securities herein authorized and of the expenditures heretofore made and charged to fixed capital since the organization of the petitioner be and they hereby are reserved for future determination by this Commission.

3. That the Nassau and Suffolk Lighting Company shall within twenty days after the receipt of this order file the report required herein of the sale of securities and disposition of the proceeds thereof during the period

from December 1, 1915, to May 31, 1916, and shall within ten days after the first of each of the calendar months after the date of this order file for the preceding month a report verified by its president and its principal accounting officer showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during the period covered by each of such reports respectively of the proceeds of securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged, and giving all the details of any credits to fixed capital in connection with such expenditures, which aforesaid detail of expenditures of proceeds shall include verified copies of all vouchers with supporting invoices, payrolls, material warrants, and all other evidences of the actual disbursements of such proceeds, including verified copies of journal entries with a full explanation of the necessity therefor; reflecting and affecting the disbursements of the proceeds of the aforesaid securities. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5357]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day of
June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of ELMIRA WATER, LIGHT AND RAILROAD COMPANY, ELMIRA TRANSMISSION CORPORATION, and ELMIRA AND SENECA LAKE TRACTION COMPANY (1) for authority to the Water company to issue first and second preferred capital stock, and mortgage bonds; (2) for authority to the Water company to buy all of the capital stock of the Transmission corporation and to merge the Transmission corporation; (3) for authority to the Water company to acquire the property and franchises of the Traction company, and to the Traction company to transfer them.

Petition filed December 20, 1915; copy of first consolidated mortgage dated September 1, 1906, filed January 4, 1916; copies of franchises of Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company filed January 5, 1916; certified copy of certificate of increase of capital stock filed February 2, 1916; certified copy of certificate of proceedings of stockholders to classify capital stock, etc., filed February 2, 1916; certified copy of transcript of minutes of special meeting of stockholders held for purpose of increasing number of directors filed February 2, 1916; copies of minutes of special meeting of stockholders held January 18, 1916, filed February 2, 1916; report of division of capitalization dated March 9, 1916; details of accumulated depreciation as of December 31, 1915, filed May 19, 1916; final report

division of capitalization dated June 14, 1916; petition, reports, etc., filed in case No. 4212 as listed in order of even date herewith. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Elmira and Seneca Lake Traction Company is hereby authorized to transfer and sell all of its property and franchises subject to its liabilities to the Elmira Water, Light and Railroad Company, and this Commission hereby permits and approves of the transfer to and the acquisition by the Elmira Water, Light and Railroad Company of all the property and franchises of the Elmira and Seneca Lake Traction Company subject to its liabilities.

2. That the Elmira Water, Light and Railroad Company is hereby authorized to acquire and hold the five shares each of the par value of \$100, aggregating a total par value of \$500, of the outstanding capital stock of the Elmira Transmission Corporation, being the entire outstanding capital stock of that company, for the sum of \$500.

3. That this Commission hereby consents that the Elmira Water, Light and Railroad Company may merge the Elmira Transmission Corporation.

4. That the Elmira Water, Light and Railroad Company is hereby authorized to issue \$100,000 face value of its 5 per cent 50-year first consolidated mortgage gold bonds under a certain indenture dated September 1, 1906, given to the New York Trust Company as trustee, to secure an authorized issue of a total face value of \$5,000,000.

5. That the Elmira Water, Light and Railroad Company is hereby authorized to issue \$325,000 par value of its capital stock, \$125,000 of which shall be 7 per cent cumulative first preferred and \$200,000 5 per cent cumulative second preferred.

6. That none of the said bonds of the total face value of \$100,000 shall be sold for less than 92½ per cent of their face value and accrued interest, to give net proceeds of at least \$92,500.

7. That none of the said stock of the total par value of \$325,000 shall be sold for less than its par value, to give net proceeds of at least \$325,000.

8. That said bonds and stock of the total face and par value of \$425,000 so authorized, or the proceeds thereof to the amount of at least \$417,500, shall be used solely and exclusively for the following purpose:

(a) For the discharge of indebtedness of the Elmira Water, Light and Railroad Company outstanding at October 31, 1915, or the renewals thereof, as follows:		
Bills payable	\$299,805.00	
Accounts payable	102,309.49	
		\$402,114.49
(b) For the discharge of bills payable of the Elmira Transmission Corporation outstanding at October 31, 1915 or their renewals...		55,000.00
(c) For expenses incident to sale of stock herein authorized, including expense of selling, legal and accounting services and examinations, provided that the disbursements for these purposes shall be charged to a suspense account to be amortized before July 1, 1919, by charges through the prescribed income deduction account "Other Contractual Deductions from Income".....		16,250.00
(d) For new construction from October 31, 1915, as detailed in exhibit G attached to the petition herein.....		63,570.04
		<hr/>
		\$536,934.53

Amount unprovided for \$119,434.53

in so far as the same may be applicable, provided (1) that such bonds and stock or the proceeds thereof shall be applied on such new construction summarized in subdivision (d) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Gas, Electrical, and Street Railroad Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital

on account of engineering services in connection with the construction provided for in subdivision (d) hereof unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in exhibit G of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Gas, Electrical, and Street Railroad Corporations.

9. That if the said securities of the total face and par value of \$425,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$536,934.53, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

10. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Elmira Water, Light and Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

11. That the Elmira Water, Light and Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivisions (a) to (c) inclusive of ordering clause No. 8 herein there shall be shown the amount expended in reasonable detail of the proceeds for the purposes specified therein during such period and stating to what account or accounts such expenditures have been charged; (f) with respect to subdivision (d) of ordering clause No. 8 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the securities herein authorized, and to what account or accounts under the Uniform Systems of Accounts for Gas, Electrical, and Street Railroad Corporations the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for such purposes during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform Systems of Accounts of the expenditures during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported on and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds thereof accounted for in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

12. That the assets and liabilities of the Elmira Transmission Corporation if merged, and the assets and liabilities of the Elmira and Seneca Lake Traction Company if the property of said company shall be acquired, shall be taken on the books of the Elmira Water, Light and Railroad Company by journal entries which are in accord with those contained in the final report

of the division of capitalization herein dated June 14, 1916, modified by legitimate business transactions of such corporations since October 31, 1915.

13. That the inventory and appraisal of the tangible property of the Elmira Water, Light and Railroad Company as of June 30, 1914, filed January 21, 1915, in accordance with the requirements of ordering clause No. 11 of the order dated April 22, 1914, entered in case No. 4212, modified as indicated in the final report herein of the division of capitalization dated June 14, 1916, is hereby approved; and the company is directed to spread this inventory and appraisal upon its books by means of entries substantially in conformity with those contained in the final report of the division of capitalization, giving due consideration to the subsequent changes in its property accounts.

14. That the sum of \$2,531,258.01 herein authorized to be debited to the account "Intangible Suspense to be Amortized," shall be amortized at the rate of \$20,000 during each of the next five calendar years, and thereafter at the rate of \$30,000 during each calendar year, by means of debits of such amounts to the account "Other Contractual Deductions from Income"; provided that when this account has been amortized to \$1,000,000 the Elmira Water, Light and Railroad Company shall make application to this Commission for a determination of the disposition of such balance.

15. That the fixed capital accounts of the Elmira Water, Light and Railroad Company as corrected by the journal entries which the petitioner has been herein directed to make, having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform Systems of Accounts for Gas, Electrical, and Street Railroad Corporations, covering expenditures for fixed capital installed since December 31, 1908.

16. That the Uniform Systems of Accounts for Gas, Electrical, and Street Railroad Corporations are hereby amended in their application to the accounts of the Elmira Water, Light and Railroad Company in so far as is necessary so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform Systems of Accounts applicable to said corporation.

17. That within sixty days from the service of this order the petitioners herein shall file complete statements duly verified by their respective secretaries or other executive officers, showing full particulars of the merger by the Elmira Water, Light and Railroad Company of the Elmira Transmission Corporation, and the acquisition of the property and franchises of Elmira and Seneca Lake Traction Company if the same be acquired, including (a) details of the changes in the accounts of the Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company in so far as they affect the condition of their property and assets from October 31, 1915, to the date of the actual transfer of such property and assets to the Elmira Water, Light and Railroad Company; (b) detailed balance sheets of the Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company as of the date of the transfer of their property and assets to the Elmira Water, Light and Railroad Company; (c) particulars of the entries made upon the books of the Elmira Water, Light and Railroad Company reflecting the acquisition of the assets and liabilities of the Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company; (d) a detailed balance sheet of the Elmira Water, Light and Railroad Company as of the date of the acquisition by that company of the assets and liabilities of the Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company.

18. That none of the expenses incurred by the Elmira Water, Light and Railroad Company on account of the acquisition of the assets and liabilities of the Elmira Transmission Corporation and Elmira and Seneca Lake Traction Company shall be charged to fixed capital.

19. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated June 14, 1916, such entries being listed in the following appendices of said report: Appendix A, journal entries Nos. 1 to 7 inclusive; appendix B, journal entries Nos. 1 to 3 inclusive; appendix D, journal entries Nos. 7 and 8, or entries affecting the same adjustments, shall be entered upon the books of the Elmira Water, Light and Railroad Company and the Elmira and Seneca Lake Traction Company; and that within sixty days from the date of this order verified proof shall be submitted to the Commission that such entries have been made; and within thirty days after the consummation of the merger of the Elmira Transmission Corporation and the acquisition of the assets and liabilities of the Elmira and Seneca Lake Traction Company verified proof shall be submitted that the remaining journal entries set forth in the final report of the division of capitalization or entries effecting the same adjustments have been made.

20. That the authority contained in this order to issue securities, to merge, and to transfer and acquire property, etc., is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto or other authority exercised hereunder, and within thirty days of the service hereof, the said companies shall file with this Commission satisfactory, verified stipulations duly authorized by their boards of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except the \$16,250 allowed for expenses incident to the sale of stock.

[Case No. 5590]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day of
June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition under section 70 of the Public Service Commissions Law of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY for authority to acquire \$5000 [all] of the capital stock [common] and \$7000 bonds of the Inter-Village Electric Corporation of the incorporated village of Hamburg, Erie county; and under section 69 of the Public Service Commissions Law for authority to issue \$9600 first mortgage 5 per cent 40-year bonds under an existing mortgage.

Petition filed June 6, 1916; report of division of capitalization dated June 12, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized to issue \$9600 face value of its 5 per cent 40-year first mortgage gold bonds under a certain indenture dated the 1st day of August, 1914, given to the Fidelity Trust Company of Buffalo as trustee, to secure an authorized issue of a total face value of \$1,000,000.

2. That said bonds of the total face value of \$9600 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of at least \$7680.

3. That said bonds of the face value of \$9600 so authorized or the proceeds thereof shall be applied solely and exclusively toward the purchase and acquisition of the entire outstanding issue of \$5000 common capital stock and \$7000 face value of 5 per cent 20-year first mortgage bonds of the Inter-Village Electric Corporation, which securities may be acquired and held provided the purchase price shall not exceed \$12,000, and further provided that the financial condition of the Inter-Village Electric Corporation at the time the securities are purchased shall appear, in a balance sheet to be taken from the books of the corporation as of the date of said purchase, to be as favorable as appears in the balance sheet of the company of December 31, 1915; and an attested copy of such balance sheet of the date of purchase shall be promptly filed with this Commission as a part of the record in this case.

4. That if the said bonds of a total face value of \$9600 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$7680, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Depew and Lancaster Light, Power and Conduit Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That The Depew and Lancaster Light, Power and Conduit Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purposes specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

482 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL
AND HUDSON RIVER RAILROAD COMPANY for the elimi-
nation of the grade crossing of Shatzell street over
its tracks at Rhinecliff.

Ordered: 1. That the first intermediate settlement entered into by The New York Central Railroad Company with the Town of Rhinebeck, Dutchess county, and the State of New York, showing expenditures to the amount of \$66,217.65 properly and necessarily incurred to August 1, 1915, in carrying out the Commission's order in the above entitled matter, be and hereby is approved, of which said amount the sum of \$65,775.31 has been expended by the railroad corporation and the sum of \$442.34 has been expended by the State; said settlement having been accepted by the railroad corporation as indicated by the signature of its assistant treasurer, and by the Town of Rhinebeck as indicated by the signatures respectively of the supervisor, town clerk, and justice of the peace.

Ordered: 2. That of the total amount of \$66,217.65 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$33,108.82, and the share of the Town of Rhinebeck is the sum of \$16,554.41, and the share of the State of New York is \$16,554.42, upon which it is entitled to a credit in the sum of \$442.34 expended by it as aforesaid, leaving a balance now due and payable by the State of New York to said The New York Central Railroad Company the sum of \$16,112.08.

[Case No. 5084]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of the PRESIDENT
AND TRUSTEES OF THE VILLAGE OF GOUVERNEUR, St.
Lawrence county, and THE NEW YORK CENTRAL RAIL-
ROAD COMPANY under section 91 of the Railroad Law
as to the closing and discontinuance of the Main
Street grade crossing of said company's railroad and
the diversion of traffic to another crossing at grade.

The work referred to in the matter above entitled having been entirely completed, pursuant to a determination dated October 5, 1915, to the satisfaction of The New York Central Railroad Company and the Village of Gouverneur, it is

Ordered: That the completed work be and is hereby approved.

[Case No. 5421]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of ALFRED HUNTINGTON under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, conduits, and appurtenances, in the fire district of the town of Ripley, Chautauqua county, and for approval of the exercise of a franchise received from the town.

This is a petition under section 68 of the Public Service Commissions Law for permission to construct an electric plant in a portion of the town of Ripley, Chautauqua county, and under section 68 for the approval of the exercise of a franchise for that purpose granted by the town board and the superintendent of highways of the Town of Ripley January 26, 1916. On the hearing the application was opposed by the Ripley Electric Company which has for several years been operating in a portion of the territory covered by the applicant's franchise. The applicant has however acquired the stock of the Ripley company and its opposition has been withdrawn. The franchise covers what is known as the fire district in the town of Ripley, the same being an unincorporated village. The Ripley company's franchise extends through only a part of said village and has been exercised only within a portion of that part. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Alfred Huntington, under section 68 of the Public Service Commissions Law, to construct, operate, and maintain the necessary poles, wires, cables, conduits, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the fire district in the town of Ripley as shown on map filed in the office of the town clerk, for the purpose of furnishing electricity for light, heat, and power to the inhabitants of said district.

2. That the permission and approval of the Commission be given to said Alfred Huntington to exercise the rights and privileges conferred by said franchise granted by the town board and the superintendent of highways of the said Town of Ripley January 26, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

484 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5475]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint, under section 71 of the Public Service Commissions Law, of **USERS OF ELECTRICITY IN THE VILLAGE OF FRANKLINVILLE, Cattaraugus county, against OLEAN ELECTRIC LIGHT AND POWER COMPANY** as to prices charged them by said company for electricity.

The above mentioned complaint was served on the Olean Electric Light and Power Company by order dated March 23, 1916, whereupon the said company proposed modifications of its present rate schedule for consideration by the complainants. After such consideration and various correspondence, the complainants have advised the Commission under dates of May 9 and May 27, 1916, that they are satisfied for the present with the rates proposed. The Olean Electric Light and Power Company has asked the Commission for special permission to put the proposed new rates into effect July 1, 1916, and such permission is being granted. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5520]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of **THE NEW YORK CENTRAL RAILROAD COMPANY** under section 54 of the Railroad Law for consent to the discontinuance of the maintenance of an agent at Lewiston Heights station on its railroad on the southeasterly outskirts of the village of Lewiston.

This case is presented to the Commission by the petition of The New York Central Railroad Company, under section 54 of the Railroad Law, asking for the consent of the Commission for the discontinuance of the agency station now maintained by the petitioner on the Ontario division of its railroad at Lewiston Heights, Niagara county; a hearing was held herein in the city of Niagara Falls on the 5th day of June, 1916, pursuant to an order of the Commission, and notice thereof was duly published pursuant to said order, and the proofs of such publication were filed with the Commission at said hearing; Mr. Maurice C. Spratt of Buffalo appeared as attorney, Mr. Harry Parry of Buffalo as assistant general passenger agent, and Mr. J. W. Evans, superintendent of the Ontario division of the petitioner, appeared on behalf of The New York Central Railroad Company; Hon. John H. Leggett of Niagara Falls appeared as the attorney for the Town Board of Lewiston;

Mr. J. Boardman Scovell of Niagara Falls appeared as attorney for the Village Board and Board of Trade of Lewiston; and Mr. Alexander Porter of Niagara Falls appeared as a resident of said town of Lewiston; certain proofs and proceedings were taken and had at such hearing whereby it satisfactorily appears that the line of railroad on which said station is located runs from Suspension Bridge to Oswego, and an agency station has been maintained at said point by the petitioner and its predecessor for many years; the station is located about a mile south of the village of Lewiston and at a point where the new state highway crosses said railroad by an underpass; the people of Lewiston, and particularly those residing in the neighborhood of such station, have been accustomed for many years to use the same in taking trains both ways on said railroad; and a great many tourists coming to Niagara Falls have been in the habit of going to said station by this railroad, which runs along the top of the bank of the Niagara Gorge extending from Niagara Falls to Lewiston; and the village of Lewiston is also the station for the boats running to and from Toronto, Canada, across Lake Ontario and through the Niagara river between Lewiston and Youngstown; and it appears that there is considerable travel to and from such station by people who walk the distance between Lewiston village and Lewiston Heights, although there is also an electric railway line and another line of the petitioner's railroad, both reaching the village of Lewiston, along a scenic route through the Gorge. It appeared on said hearing that the station at Lewiston Heights was established by the predecessor of the petitioner in accordance with the wishes of the people of said town who subscribed liberally for the construction of said railroad; and it also appeared that during June, July, and August the tourist travel was at its height. The town board of the Town of Lewiston, the village board of the Village of Lewiston, and the Board of Trade of said village, together with some prominent citizens who reside near said station, appeared at the hearing and voiced their opposition to the discontinuance of said agency station, although it also appeared satisfactorily that the maintenance of said station with a regular agent employed there entailed considerable loss to the company over and above any income derived from the sale of tickets and other business. There was proof presented which showed that very little baggage was checked at this station during the past three years and the freight business at the station is of little consequence. The petitioner proposes to keep the station building open for the accommodation of the traveling public, and to maintain a caretaker whose duty would be to keep such station clean and comfortable; but under all the circumstances it seems that it would be a hardship at the present time to deprive the patrons of said railroad of the convenience of such station and the care and comfort which is guaranteed to the traveling public by having an agent in charge, and it is believed that such agency station should be continued at least for the summer months and early fall. It is therefore

Ordered: That the petition herein be and the same hereby is denied, on condition however and without prejudice the petition herein may be renewed at any time after October 1, 1916.

[Case No. 5521]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVING,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 68 of the Public Service Commissions Law for permission to construct a light plant, including poles, wires, conduits, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Elma, Erie county, and for approval to exercise the rights and privileges under a franchise therefor received from the town.

The petitioner, The Depew and Lancaster Light, Power and Conduit Company, filed its petition in this proceeding on the 8th day of April, 1916, for permission to construct in the town of Elma, Erie county, an electric plant, including poles, wires, conduits, and appurtenances, for distributing and furnishing electricity for light, heat, and power to the said town and the inhabitants thereof, and for approval of the exercise of the rights and privileges under a franchise therefor received from said town; and thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 29th day of April, 1916; and proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 9th day of June, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, appeared as counsel on behalf of the petitioner, and no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of constructing and operating its electric distribution plant in accordance with the said franchise therefor dated December 18, 1915, and granted by the town board and superintendent of highways of the Town of Elma, Erie county, and to construct, maintain, and operate all necessary poles, wires, conduits, and appurtenances in, through, upon, under, and across all of the streets, alleys, highways, and public ways of said town of Elma for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval are hereby given to The Depew and Lancaster Light, Power and Conduit Company to construct, maintain, and operate the said electric plant, and all necessary poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the said town of Elma for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of Elma and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said The Depew and Lancaster Light, Power and Conduit Company to exercise all the rights and privileges conferred by the said franchise so granted by the town board

and superintendent of highways of the Town of Elma, Erie county, on the said 18th day of December, 1915, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, towers, wires, cables, conduits, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5540]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of SAMUEL SILVERMAN, M. D., *against* NEW YORK TELEPHONE COMPANY, asking that a coin box telephone be installed in his garage at 1864-68 Sterling Place, Brooklyn.

Complaint having been made by Samuel Silverman, M. D., against the New York Telephone Company, asking that a coin box telephone be installed in his garage at Nos. 1864-68 Sterling Place, Brooklyn; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing before the Commission on the 29th day of May, 1916, at which hearing the complainant appeared in person and the respondent was represented by Paul H. Burns, esq., of 15 Dey street, New York city, as attorney, and by Walter F. Crowell, esq., of the same address, as commercial engineer; and testimony having been offered on behalf of both complainant and respondent; and the question of the public need of a coin box telephone on the premises specified in the complaint having thereafter been referred to the assistant chief of the division of telegraphs and telephones to investigate and report thereon; and a report having subsequently been made, showing that upon a further consideration of the matter, the respondent was willing to install a coin box telephone on the premises in the manner asked for, and that this disposition of the matter would be entirely satisfactory to the complainant; and the Commission having been informed that upon this disposition of the matter both parties are now willing that the case shall be closed upon the records of the Commission, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5541]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Joint Petition under section 70 of the Public Service
Commissions Law of ARNOLD C. DICKINSON and
CHARLES P. DICKINSON as to transfer of franchises
of an electric plant in the incorporated village of
Rosendale and the town of Marbletown, Ulster county.

It appearing that Arnold C. Dickinson, one of the petitioners herein, has been furnishing and distributing electric current in the incorporated village of Rosendale and the town of Marbletown, Ulster county, New York, under franchises originally granted on August 31, 1906, by the village, and on April 13, 1907, by the town, copies of which said franchises are annexed to the petition herein; and it appearing further, for reasons fully set forth at a public hearing on this petition held on the 24th day of May, 1916, that the said Arnold C. Dickinson desires to transfer to Charles P. Dickinson, his father, his rights, title, and interests in, to, and under the said franchises from the incorporated Village of Rosendale and Town of Marbletown; and the Commission being of the opinion that for the reasons so presented its permission and approval to such transfer should be granted, it is hereby

Ordered: That the permission and approval of the Commission be and it hereby is given to the said Arnold C. Dickinson to transfer and convey the said franchises granted by the Village of Rosendale on August 31, 1906, and by the Township of Marbletown on April 13, 1907, and all the rights, title, and interests of the said Arnold C. Dickinson in, to, and under the said franchises, to the said Charles P. Dickinson; and that the permission and approval of this Commission be and it hereby is given to the said Charles P. Dickinson to accept the transfer of the aforesaid franchises from the said Arnold C. Dickinson, and to exercise the same pursuant to the provisions of sections 68 and 70 of the Public Service Commissions Law.

It is further Ordered: That this order is not intended and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commissioner of Highways.

It is further Ordered: That the said Charles P. Dickinson shall file with the Commission within thirty (30) days from the entry of this order his acceptance of the provisions of this order.

[Case No. 5579]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition of CHARLES E. RAUSTER under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Johnstown, it being proposed that the route shall also be operated between the city of Johnstown and Caroga Lake, Canada Lake, and Green Lake.

A petition under chapter 667 of the laws of 1915 having been filed with this Commission by Charles E. Rauster for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Johnstown, it being proposed that the route shall also be operated between the city of Johnstown and Caroga Lake, Canada Lake, and Green Lake; and a public hearing on said petition, after due notice, having been held by the Commission on the 8th day of June, 1916, at which said hearing Clarence W. Smith, esq., of Johnstown, N. Y., appeared as attorney for the petitioner; and Messrs. Baker, Burton and Baker (by Mr. Burton) of Gloversville, N. Y., appeared as attorney for the Fonda, Johnstown and Gloversville Railroad Company; and it appearing as the result of such hearing that a franchise or consent has been granted by the mayor and common council of Johnstown to this petitioner to operate motor vehicles over a specified route within the city of Johnstown, and that this franchise was granted upon a definite understanding that local passengers shall not be carried between points within the limits of the city of Johnstown, but that the operations of said motor vehicles shall be confined exclusively to the transportation of persons traveling between points within the city limits to points outside the city, or from points outside the city limits to points within the city; and it appearing that with this limitation in the certificate of convenience and necessity to be granted by this Commission no opposition to the granting of such certificate would be urged on behalf of the said Fonda, Johnstown and Gloversville Railroad Company; and there being no opposition from any other source to the granting of the said certificate, and the Commission being of the opinion that public convenience and necessity require the operation of motor busses over the streets within the city of Johnstown mentioned in the franchise granted this petitioner by the mayor and common council of said city for the purposes indicated, now therefore this Commission hereby certifies that public convenience and necessity require the operation by Charles E. Rauster of a system of motor busses in the city of Johnstown on West State street from the westerly limits of the city to North William street, thence on North William street to West Main street, thence on West Main street to North Market street, thence on North Market street to Water street, thence on Water street to North Perry street, thence on North Perry street to the northerly limits of the city, upon the express understanding that local passengers shall not be carried between points within the limits of the city of Johnstown, but that the operations of said motor vehicles shall be confined exclusively to the transportation of persons traveling between points within the city limits to points outside the city, or from points outside the city limits to points within the city. This certificate is granted subject to all the terms and conditions of the franchise hereinbefore mentioned, and subject to present and future ordinances of the City of Johnstown, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto. This certificate is not assignable without the consent of this Commission.

490 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5279]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of SANFORD DEWOLF against ALDEN-BATAVIA NATURAL GAS COMPANY, asking that natural gas be furnished his residence on Walnut street.

An order having been duly made in this case on the 8th day of February, 1916, whereby the settlement of the controversy between the parties was approved by the Commission; and it being provided at the foot of said order that in case there should be any disagreement between the parties as to the terms and conditions of the extension of the line and installation of gas service by the respondent to the complainant's premises that this case may be reopened upon good cause shown by either party; and the Commission having been informed by the attorney for the complainant, as shown by his letter dated June 19, 1916, and filed with the Commission on the 20th day of June, 1916, that there is a disagreement between the parties as to such extension and service, and the terms for the installation thereof; it is therefore

Ordered: That this case be reopened; and a further hearing be and the same hereby is appointed for July 5, 1916, at 10:30 a. m., at the common council chamber in the city of Batavia, at which time and place either of said parties may present further proof concerning any of the questions involved in this case; and that the Secretary of the Commission transmit a copy of this order by mail to Mr. Everest A. Judd, attorney for the complainant, Batavia, New York; and Mr. B. J. Stedman, attorney for the respondent, Batavia, New York, on or before the 22nd day of June, 1916.

[Case No. 5452]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition of the NEW SCOTLAND AVENUE TRANSPORTATION COMPANY, INC., under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated in and between Albany and Slingerland.

Application for leave to assign certificate of convenience and necessity.

Application having been made by the New Scotland Avenue Transportation Company, Inc., for leave to assign a certificate of public convenience and necessity heretofore granted to it by this Commission for the operation of motor busses on certain streets in the city of Albany, to the People's Auto Bus Line, Inc.; and a public hearing on said application having been held on the 21st day of June, 1916, at which hearing explanations were made as to the reasons for the proposed assignment and as to the expected beneficial effect of the

assignment upon the business now being conducted by the applicant; and the Commission being of the opinion that no valid reasons exist why its consent to this assignment should be withheld, and that the probable consequence of the assignment would be beneficial to the public which relies on the bus line in question for its transportation facilities, it is hereby

Ordered: That the consent of this Commission be and the same hereby is granted to an assignment of the certificate of public convenience and necessity now held by the New Scotland Avenue Transportation Company, Inc., to operate a stage route by auto busses in the city of Albany, which said certificate of public convenience and necessity was granted by this Commission on the 4th day of April, 1916, to the People's Auto Bus Line, Inc.; and it is hereby

Further Ordered: That no further assignment of this certificate shall be made without the consent of this Commission.

[Case No. 5557]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

In the matter of the Petition of the INCORPORATED VILLAGE OF ARCADE, Wyoming county, under section 68 of the Public Service Commissions Law for a certificate of authority to build, maintain, and operate for other than municipal purposes an extension of its electric lines from said village to the hamlet of Yorkshire, in the town of Yorkshire, Cattaraugus county.

The petition herein was filed with the Commission May 4, 1916; the petitioner is a municipal corporation which now operates its own electric plant in the village of Arcade, and has by a previous order of this Commission in case No. 5264 extended its distribution line and electric service to the village of Delevan, which is in the town of Yorkshire a few miles south of the hamlet of Yorkshire, which is also in said town; the power generated by the said municipal lighting plant of the petitioner is sufficient for further extensions of service, and the board of trustees of said municipality has adopted a resolution which was filed with the petition herein for the extension of its said electric service into and through a portion of the town of Yorkshire to the hamlet of Yorkshire; after the filing of said petition a notice was duly published in accordance with the rules of this Commission, for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before June 16, 1916; and proof of the publication of said notice having been duly filed; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 16th day of June, 1916, at which hearing Hon. John Knight of Arcade appeared as the attorney for the petitioner, together with certain officials of said village; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is constructing an extension of its distribution plant through certain parts of the town of Arcade and the town of Yorkshire, pursuant to and in accordance with franchises respectively granted to the petitioner by the town board and commissioner of highways of the Town of Arcade dated April 29, 1916; and the other from the town board and commissioner of highways of the Town of Yorkshire and dated September 18, 1915; that said franchises were duly presented to the Commission and marked as exhibits 2 and 3 at said hearing, and are attached to the petition in this case; that the said petitioner has determined to make such extension, and that the estimated cost of such

extension is the sum of seven hundred and sixty dollars (\$760), which the petitioner is ready to expend for such purpose; that a separate lighting district for said hamlet of Yorkshire and the territory to which such extension is to be made is to be established, and within the limits thereof the petitioner has already entered into a contract for the lighting of the streets and to furnish electricity to upward of thirty (30) houses for domestic purposes. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchises therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the Village of Arcade to construct, maintain, and operate the said electric plant and all necessary poles, towers, wires, cables, appliances, and structures in, through, upon, and across the highway running from the corporation line of said village of Arcade to the county line between Wyoming and Cattaraugus counties, and on to the village of Yorkshire, and westerly in and through the hamlet of Yorkshire and the various streets and public places therein included within the territory of the said lighting district, for the purpose of transmitting electric power in and through that portion of the towns of Arcade and Yorkshire for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said hamlet of Yorkshire and the inhabitants thereof, as specifically provided in said resolution of the board of trustees of the Village of Arcade, the said franchise granted to the petitioner by the town board and commissioner of highways of the Town of Arcade on the 29th day of April, 1916, and the said franchise granted to the petitioner by the town board and commissioner of highways of the Town of Yorkshire on the 18th day of September, 1915.

2. That permission and approval are hereby given to the said Village of Arcade to exercise all the rights and privileges conferred by the said franchises so granted by the said town board and commissioner of highways of the Town of Arcade and the town board and commissioner of highways of the Town of Yorkshire and above described, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchises.

3. No poles, towers, wires, cables, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5558]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct extensions of its electric railroad in the city of Utica, and for approval of the exercise of a franchise therefor received from the city; and under section 98, Railroad Law, as to crossing the West Shore railroad.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by New York State Railways for permission to construct extensions of its electric railroad in the city of Utica on streets hereinafter named, and for approval of the exercise of a franchise therefor received from the city; and under section 98 of the Railroad Law for a determination as to how the James Street extension shall cross the West

Shore railroad, lessor; and a public hearing on said petition after due notice having been held by this Commission, at which Kernan and Kernan appeared for petitioner; George H. Walker appeared for The New York Central Railroad Company; A. M. Dickinson appeared for the City of Utica; and G. E. Dennison appeared for property owners in opposition; and it appearing that the company has filed in the proper record offices a certificate of extension of its railroad covering this proposed construction; and this Commission determining from the evidence at the hearing that such construction and exercise of franchise is necessary and convenient for the public service, and that the crossing of the West Shore railroad may properly under the circumstances be allowed to be made at grade, it is

Ordered: 1. That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves construction by New York State Railways of a single track extension of its electric railway in the city of Utica, from the ending of its present railway on James street, along James street easterly about 2200 feet to a point about 120 feet east of the easterly side of Neilson street, to be connected with the present track on Elm street by a single track curve at the corner of Elm and James streets; and a single track extension of its railway on Neilson street commencing at a point about 110 feet north of the northerly side of James street and extending southerly along Neilson street, and connecting with the proposed track on James street by a curve to the east and a curve to the west at the intersection of James and Neilson streets, with necessary connections, switches, sidings, curves, etc.; said extensions to be operated by the single overhead electric trolley system of motive power; and hereby permits and approves the exercise of a franchise for such construction granted to said company by the common council of said city April 5, 1916, and approved by the mayor of said city April 6, 1916, a copy of which franchise, certified by J. P. Bannigan, clerk of the City of Utica, to be a true copy, is filed with this Commission with the papers in this case.

2. That this Commission, under section 98 of the Railroad Law, hereby determines that said extension on James street shall cross at grade with a single track the West Shore railroad (leased to and operated by The New York Central Railroad Company) at a point where the West Shore railroad, double track, now crosses James street at grade, and that the expense of such crossing and its manner and protection shall be as stated in an agreement between New York State Railways and The New York Central Railroad Company, a copy of which is Applicant's Ex. No. 3 in this case.

[Case No. 5566]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

Petition of **COLLIERS LIGHT, HEAT AND POWER COMPANY** under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Otsego, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

Application having been made by the Colliers Light, Heat and Power Company under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances,

for furnishing and transmitting electricity for light, heat, or power to the public in the town of Otsego, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor granted to it; and a public hearing having been had upon the said petition on the 16th day of June, 1916, at which time proof was offered in support of the said petition, and no evidence was presented nor appearances noted in opposition thereto; and notice of the said application having been duly published in accordance with the rules of the Commission, in two newspapers published in the county of Otsego, and proof of such publication having been duly filed; and the Commission having determined that the construction of such electric plant, transmission and distribution lines, as are here contemplated, and the exercise of the said franchise, are necessary and convenient for the public service, it is hereby

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and the same hereby are given to the said Colliers Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Otsego, Otsego county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of a franchise granted on the 25th day of April, 1916, to the petitioner.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highways unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5567]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

Petition of COLLIERS LIGHT, HEAT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Milford, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

Application having been made by the Colliers Light, Heat and Power Company under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Milford, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor granted to it; and a public hearing having been had upon the said petition on the 16th day of June, 1916, at which time proof was offered in support of the said petition, and no evidence was presented nor appearances noted in opposition thereto; and notice of the said application having been duly published in accordance with the rules of the Commission in three newspapers published in the county of Otsego, and proof of such publication having been duly filed; and the Commission having determined that the construction of such electric plant, transmission and distribution lines as are here contemplated, and the exercise of

the said franchise, are necessary and convenient for the public service, it is hereby

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and the same hereby are given to the said Colliers Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Milford, Otsego county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of a franchise granted on the 7th day of April, 1916, to the petitioner.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highways unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK LEVINE,

Commissioners.

Petition of COLLIERS LIGHT, HEAT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Exeter, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

Application having been made by the Colliers Light, Heat and Power Company under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Exeter, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor granted to it; and a public hearing having been had upon the said petition on the 16th day of June, 1916, at which time proof was offered in support of the said petition, and no evidence was presented nor appearances noted in opposition thereto; and notice of the said application having been duly published in accordance with the rules of the Commission in two newspapers published in the county of Otsego, and proof of such publication having been duly filed; and the Commission having determined that the construction of such electric plant, transmission and distribution lines, as are here contemplated, and the exercise of the said franchise, are necessary and convenient for the public service, it is hereby

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and the same hereby are given to the said Colliers Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Exeter, Otsego county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of a franchise granted on the 17th day of April, 1916, to the petitioner.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highways unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5569]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 21st day of June, 1916.

Present:

DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition of **COLLIERS LIGHT, HEAT AND POWER COMPANY** under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Hartwick, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor assigned to it; also under section 70 for consent to the assignment.

Application having been made by the Colliers Light, Heat and Power Company under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Hartwick, Otsego county, and for approval of the exercise of rights and privileges under a franchise therefor assigned to it; and also, under section 70, for consent to such assignment; and a public hearing having been had upon the said petition on the 16th day of June, 1916, at which time proof was offered in support of the said petition, and no evidence was presented nor appearances noted in opposition thereto; and notice of the said application having been duly published in accordance with the rules of the Commission in three newspapers published in the county of Otsego, and proof of such publication having been duly filed; and the Commission having determined that the construction of such electric plant, transmission and distribution lines, as are here contemplated, and the exercise of the said franchise, are necessary and convenient for the public service, it is hereby

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and the same hereby are given to the said Colliers Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Hartwick, Otsego county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of a franchise granted on the 14th day of August, 1915, to the Hartwick Seminary Lighting Company, Inc., and assigned by the said Hartwick Seminary Lighting Company, Inc., on the 29th day of February, 1916, to the said Colliers Light, Heat and Power Company, which said last mentioned assignment is hereby, under the provisions of section 70 of the Public Service Commissions Law, also consented to by this Commission.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5574]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of June, 1916.

Present:

DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition of **COLLIERS LIGHT, HEAT AND POWER COMPANY**
under section 68 of the Public Service Commissions
Law for permission to construct an electric plant,
including poles, wires, and appurtenances, for fur-
nishing and transmitting electricity for light, heat,
or power to the public in the town of Laurens,
Otsego county, and for approval of the exercise of
rights and privileges under a franchise therefor
received from the town.

Application having been made by the Colliers Light, Heat and Power Com-
pany under section 68 of the Public Service Commissions Law for permis-
sion to construct an electric plant, including poles, wires, and appurtenances,
for furnishing and transmitting electricity for light, heat, or power to the
public in the town of Laurens, Otsego county, and for approval of the exer-
cise of rights and privileges under a franchise therefor granted to it; and a
public hearing having been had upon the said petition on the 16th day of
June, 1916, at which time proof was offered in support of the said petition,
and no evidence was presented nor appearances noted in opposition thereto;
and notice of the said application having been duly published in accordance
with the rules of the Commission in three newspapers published in the
county of Otsego, and proof of such publication having been duly filed; and
the Commission having determined that the construction of such electric
plant, transmission and distribution lines, as are here contemplated, and the
exercise of the said franchise, are necessary and convenient for the public
service, it is hereby

Ordered: 1. That pursuant to the provisions of section 68 of the Public
Service Commissions Law the permission and approval of this Commission
be and the same hereby are given to the said Colliers Light, Heat and
Power Company to construct, maintain, and operate an electric plant in the
town of Laurens, Otsego county, New York, together with all transmission
and distribution lines required for use in connection therewith, and to the
exercise by it of a franchise granted on the 13th day of May, 1916, to the
petitioner.

2. That this order is not intended to and shall not be construed to
authorize any construction work in or upon any state or county highway
unless and until the consent to and approval of such construction work
shall have first been duly given by the State Commission of Highways.

[Case No. 5582]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the petition of the JAMESTOWN LIGHTING AND POWER COMPANY for permission to construct an electric plant in the village of Falconer, and for approval of exercise of rights and privileges under a franchise.

The petitioner, Jamestown Lighting and Power Company, filed its petition in this proceeding on the 20th day of May, 1916, for permission to construct its electric plant, including poles, wires conduits, and appurtenances, for transmitting and furnishing electricity in the village of Falconer, Chautauqua county, and for approval of the exercise of a franchise to use streets, highways, and public places therefor received from the president and board of trustees of said village and dated April 20, 1916; thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 10th day of June, 1916; and proof of the publication of said notice having been duly filed; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 16th day of June, 1916, at which hearing Mr. C. J. Lipp, the secretary and treasurer of the petitioner, appeared in its behalf; and no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is now operating its electric plant and plants in the city of Jamestown, the village of Celeron, the town of Ellicott, and that portion of the town of Busti between the city of Jamestown and the village of Falconer, and is desirous of extending its service and constructing and operating its electric distribution plant in accordance with the said franchise therefor received from the authorities of the Village of Falconer and dated April 20, 1916; and to construct, maintain, and operate all necessary poles, wires, conduits, and appurtenances in, through, upon, under, and across all of the roads, streets, highways, alleys, and public places of the said village of Falconer, Chautauqua county, for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said village of Falconer and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to Jamestown Lighting and Power Company to construct, maintain, and operate the said electric plant and all necessary poles, wires, conduits, and appurtenances in, through, upon, under, and across all of the roads, streets, highways, alleys, and public places in the said village of Falconer for the purpose of transmitting electric power in and through said village, for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said village of Falconer and the inhabitants thereof, as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Jamestown Lighting and Power Company to exercise all the rights and privileges conferred by the said franchise so granted by the said president and board of trustees of the Village of Falconer on the 20th day of April, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, towers, wires, cables, or other structures herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5600]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1916.

Present:

DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Complaint of THE ATLAS PORTLAND CEMENT COMPANY, ALPHA PORTLAND CEMENT COMPANY, HELDERBERG CEMENT COMPANY, ALSEN'S AMERICAN PORTLAND CEMENT WORKS, KNICKERBOCKER PORTLAND CEMENT COMPANY, GLENS FALLS PORTLAND CEMENT COMPANY, ACME CEMENT CORPORATION against BOSTON AND MAINE RAILROAD, asking that its tariff P. S. C., 2 N. Y., No. 714, filed to take effect June 28, 1916, be suspended, and that a regulation therein limiting quantity of cement to be included in a mixed carload be declared improper.

It appearing that there has been filed with this Commission a complaint against a tariff containing schedules stating rates and a new regulation applying in connection therewith which fixes the maximum quantity of cement at eight thousand pounds which may be included in mixed carload shipments, to become effective June 28, 1916, designated as follows: Boston and Maine Railroad, P. S. C., 2 N. Y., No. 714.

It is Ordered: That the Commission, upon said complaint, without formal pleading, enter upon a hearing concerning the propriety of said proposed new regulation as applied in connection with the rates stated in the schedules contained in said tariff.

It further appearing that said proposed regulation operates to make increases in the charges for the transportation between points within this Commission's jurisdiction of cement in quantities exceeding eight thousand pounds when shipped with brick, fire or paving; clay, fire; conduits, clay; lining, flue, clay; pipe, clay stove; pipe, sewer; tile, drain, in mixed carloads, minimum weight 30,000 pounds, and the rights and interests of the public appearing to be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the regulation above specified contained in said tariff should be postponed pending said hearing and decision thereon,

It is further Ordered: That the operation of the regulation above specified in connection with the schedules of rates contained in said tariff be suspended, and that the use of such regulation in connection with the schedules of rates therein stated be deferred upon traffic subject to the jurisdiction of this Commission until the 1st day of October, 1916, unless otherwise ordered by the Commission.

It is further Ordered: That a copy of this order be filed with said tariff in the office of this Commission, and that copies hereof be forthwith served upon the Boston and Maine Railroad, hereby made respondent in this proceeding, and The Atlas Portland Cement Company, Alpha Portland Cement Company, Helderberg Cement Company, Alsen's American Portland Cement Works, Knickerbocker Portland Cement Company, Glens Falls Portland

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Cement Company, and Acme Cement Corporation, as complainants; and that said respondent and complainants be duly notified of the time and place of hearing hereafter to be fixed herein.

[Case No. 4982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 91 of the Railroad Law for the discontinuance of the Riverhead Road and Main Road highway grade crossings of its railroad in the town of Southampton, Suffolk county, and the construction of new pieces of highway and one new crossing at grade.

Amendatory
order.

Whereas, Through typographical errors in the order of the Commission herein under date of June 6, 1916, the highway crossing therein ordered to be closed was described in paragraph four of said order as "located at a point about 10,500 feet westerly of the Southampton station," instead of "at a point 10,500 feet easterly of the Westhampton station," as it properly should have been described, it is

Ordered: That the said order of June 6, 1916, be and it is hereby amended so that the complete order shall read as follows:

In the town of Southampton the Long Island railroad is crossed at grade by two unimportant highways known as the Riverhead road and the Main Country road, located about 10,000 and 10,500 feet respectively east of the Westhampton station. The Main Country road crosses the railroad at a very sharp skew, and the Riverhead road crosses the railroad more nearly at right angles, the two roads forming a junction with each other at a point about 220 feet south of the railroad. It is proposed to close the Main Country Road crossing and to construct a new road north of and parallel to the railroad from the Main Country road to the Riverhead road.

It is further proposed to abandon a part of the Riverhead road north of the track from its junction with the new road northerly, a distance of about 1080 feet, and substitute therefor a new road running in a northerly and southerly direction, intersecting the proposed new road north of and parallel to the tracks about at a point nearly opposite the old or the Main Country Road crossing.

A hearing on this application was held by the Commission at Centre Moriches May 25, 1916, at which C. L. Addison and J. R. Savage, respectively assistant to the president and chief engineer, appeared for The Long Island Railroad Company; H. T. Tuthill for the State Commission of Highways; Frank Downs, town superintendent of highways; Peter E. Nostrand, county superintendent of highways; and Erastus F. Post, property owner, in person; at which time due proof of publication of the notice of this hearing and of personal service of such notice on all interested property owners as prescribed by the statute was made. There was no objection to the granting of the application, and the Commission has accordingly determined that the public safety requires that the petition be granted; and therefore

Ordered: That the Main Country Road grade crossing of the Long Island railroad in the town of Southampton, Suffolk county, located at a point about

10,500 feet easterly of the Westhampton station, be closed and discontinued, and that the travel be diverted therefrom to the Riverhead road by means of a new highway to be constructed north of, parallel to, and distant approximately 110 feet from the existing railroad track; and that another new road intersecting the said new road parallel to the railroad be constructed in a northerly direction intersecting the existing Riverhead road at a point about 1160 feet from the railroad track measured along said new road.

The roadway on both of the new highways herein required to be laid out shall be improved with a cinder surface to the satisfaction of the local town authorities and of this Commission.

The alignment and location of the new roads herein ordered to be constructed are shown upon plan dated February 3, 1916, on file with this Commission; the said plan for further identification being marked "Public Service Commission, Second District, May 25, 1916, Applicants Ex. No. 1."

[Case No. 5083]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the LONG BEACH GAS COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue capital stock, a mortgage, and mortgage bonds. Second supplemental order.

By order entered herein on the 25th day of April, 1916, the Long Beach Gas Company, Inc., was authorized to execute and deliver to the Empire Trust Company as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property dated January 1, 1916, to secure an issue of forty-year first mortgage sinking fund gold bonds to the aggregate amount of \$5,000,000, bearing interest at the rate of 5 per cent per annum payable semi-annually on the first days of July and January in each year, and the form of such indenture was approved by such order. Ordering clause No. 2 thereof provided that upon the execution and delivery of said indenture there should be filed a copy of the same in the form in which it was executed and delivered, together with an affidavit by an executive officer of the company stating that such indenture as executed and delivered was the same as that approved by the Commission. Under date of June 10, 1916, the company filed a copy of the mortgage, together with an affidavit by its secretary verified June 7, 1916, which shows that the mortgage as executed and delivered is identical with that heretofore approved by the Commission with certain exceptions set forth in such affidavit. The petitioner desires that the mortgage as modified and amended be approved by the Commission. Now therefore, upon the foregoing record,

Ordered: That the form of the indenture, deed of trust, or mortgage of the Long Beach Gas Company, Inc., dated May 1, 1916, delivered to the Empire Trust Company as trustee, to secure \$5,000,000 face value of 5 per cent 40-year first mortgage sinking fund gold bonds, as modified and amended by certain changes set forth in the affidavit of the secretary of the company verified June 7, 1916, is hereby approved.

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[Case No. 5088]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration of the crossing at grade of a state highway and the Delaware, Lackawanna and Western railroad near D., L. & W. Junction, in the town of Pavilion, Genesee county.

Upon the recommendation of the State Department of Highways, and upon the approval of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer upon the standard specifications of the State Department of Highways dated September 15, 1914, covering the construction of that part of the highway necessary to be re-graded and the character of the surface thereon, it is

Ordered: That said specifications be and are hereby approved.

[Case No. 5129]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the EMPIRE UNITED RAILWAYS, INC., under section 54 of the Public Service Commissions Law for authority to purchase the capital stock of the Monroe County Electric Belt Line Company.

Second
amendatory
order.

By order herein dated September 1, as amended on September 8, 1915, the Empire United Railways, Inc., was authorized to purchase and hold the entire outstanding issue of capital stock of the Monroe County Electric Belt Line Company, consisting of 2500 shares each of the par value of \$100, and to pay therefor in instalments which would amount to \$9.67 per share as of July 1, 1915, with interest on the deferred payments at the rate of 6 per cent per annum. By report herein dated October 15, 1915, it appears that six shares of such stock were purchased on September 28, 1915, for \$100 in cash, or at a cost of \$16.67 per share: an excess of \$7 per share over the purchase price authorized. Under date of June 13, 1916, the receivers of the company asked for a ratification of the purchase of said six shares of stock of the Monroe County Electric Belt Line Company for \$100. Now therefore, upon the foregoing record,

Ordered: That the purchase and acquisition by the Empire United Railways, Inc., on September 28, 1915, of six shares each of the par value of \$100 of the then outstanding capital stock of the Monroe County Electric Belt Line Company for \$100, instead of \$58.02 as authorized in the order heretofore entered herein on September 1 as amended on September 8, 1915, is hereby ratified and approved.

[Case No. 5181]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF CORNING, THE TOWN OF CORNING, and THE INCORPORATED VILLAGE OF PAINTED POST *against* CORNING AND PAINTED POST STREET RAILWAY as to service rendered the public and as to transfers.

This case comes to the Commission on the complaint of many residents of Corning and Painted Post, which municipalities are served by the respondent. The complaint alleges that the company operates only old, dilapidated, and leaky cars, and not a sufficient number of cars to take care of the passenger traffic. Complaint is also made that the respondent refuses transfers between the main line and the Bridge Street line, so called, except at a certain corner in the city of Corning which is known as the connecting point or terminal between the routes of the cars running through the city of Corning. The respondent filed its answer on the 4th day of October, 1915, denying the allegations of said complaint; and on the 4th and 22nd days of November this case was heard by the Commission in the city of Corning, at which hearings Mr. Guy W. Cheney of Corning appeared as the attorney for the complainants herein; and Mr. Ross N. Lovell, of the firm of Stanchfield, Lovell, Falck and Sayles, of Elmira, appeared as the attorney for the respondent; certain proofs and proceedings were taken and had at said hearing whereby it satisfactorily appears that the respondent operates a street surface railroad for about a mile and a-half through all of the important business streets of the city of Corning, one line running from the center of the city mentioned above as the terminal of the routes, to the Delaware, Lackawanna and Western Railroad station which is located on the northerly limits of the city, and the other branches off and runs to the westerly limits of the city, from which point it continues for about a mile and a-half to the village of Painted Post; most of the city tracks of the railroad company have recently been re-laid, and the same are in fairly good condition; the cars operated by the respondent except in the summer time are mostly old and out of repair, but at said hearings the representatives of the company stated that they intended to improve such rolling stock and purchase some new cars; and there has been considerable correspondence between the Commission and the company concerning such new cars, and the Commission has been informed that four new cars have been purchased, and the use of some others has been rented from the Elmira Water, Light and Railroad Company in order to meet the demands of increased travel on said railroad until new cars could be obtained; considerable difficulty has been experienced by the company in assembling the various parts of such new equipment which have been purchased from different companies and must be assembled before delivery to the respondent; it appears by the communications of the respondent to the Commission that the trucks for the four new cars were built in Philadelphia, and the wheels and axles are ready, in Sayre, Penna., for the gears, which are made by the General Electric Company at Schenectady; and that when the gears are mounted on the axles they must be shipped to Philadelphia, there to be placed on the trucks; after the trucks are thus completed they will have to be shipped to the car builders and by them placed under the car bodies; such car bodies are to be equipped with electrical apparatus which has been shipped direct to the car builders; and after all this assembling, and the cars are completed, the same will be shipped to Corning for use by the respondent. A communication from the electric railroad inspector dated June 7, 1916, was transmitted to the company by

the Commission, and the same embodies a recommendation that the respondent be required to add to its equipment and put in operation four new closed cars on or before the 1st day of September, 1916, and that the company notify this Commission on or before July 1, 1916, whether it will comply with such requirement; on the 12th day of June, 1916, a communication was received from the general manager of the respondent announcing that the company will comply with such recommendation if it is physically possible so to do; and said inspector has reported to the Commission that from his personal knowledge of the situation the company is doing everything possible toward obtaining an early shipment of these cars, and that judging from the progress already made these four cars will be in operation by September 1, 1916.

On the question of transfers, it clearly appears that the rules and regulations of the respondent concerning the same are just and reasonable, and the attorney for the complainants at said hearings announced that he would not press that part of the complaint.

It is therefore Ordered: That this case be and the same hereby is closed upon the records of the Commission, on condition however that the same may be reopened at any time it shall be made to appear that the respondent is not acting in good faith as to the delivery and operation of said new cars.

[Case No. 5196]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of JAMES O. MOORE
against THE PAVILION NATURAL GAS COMPANY, asking
that natural gas main be extended to his farm in
the town of Leicester.

Upon the facts found and conclusions reached in the opinion of Commissioner Hodson, approved and filed herein, it is

Ordered: 1. That the respondent, The Pavilion Natural Gas Company, be and it hereby is ordered and directed to make an extension of the gas mains of said respondent from some convenient point in the distribution system of the respondent in the village of Moscow, to the farm and premises of the petitioner, James O. Moore, and in, upon, and along the public highway leading from said village of Moscow to the said farm and premises in the town of Leicester, Livingston county, for the distance of about one thousand feet; that such extension be made of such size of pipe as shall be sufficient and adequate for the service of natural gas to said petitioner at the said premises, and such other users of said gas along said highway in the intervening territory as may hereafter seek such service; that proper connections be made between such extension and the service pipe of the respondent now located as aforesaid in the said village of Moscow; that the work necessary for such extension be commenced by the respondent on or before July 15, 1916, and completed on or before July 29, 1916, on condition however that the petitioner file in the office of the respondent at LeRoy, N. Y., on or before July 10, 1916, a written statement or agreement whereby the petitioner shall obligate himself, his successors and assigns, to take the service of natural gas from the said extended main of the respondent for a period of at least five (5) years and pay therefor the prevailing rate or price in the town of Leicester, and will do or cause to be done all the work necessary for such

extension, or reimburse the respondent for all expenditures therefor except the cost of pipe and other materials.

2. That both the petitioner and respondent be and they hereby are directed to notify this Commission on or before the 10th day of July, 1916, as to their intention to comply with the terms of this order.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of Proposed New Passenger Fares by various common carriers subject to the jurisdiction of this Commission.

It appearing that by order dated the 22nd day of December, 1915, this Commission entered upon a hearing concerning the propriety of the increases in certain new individual and joint fares and charges applying to the transportation of passengers between points within and subject to its jurisdiction contained in tariffs described in said order, of carriers or their duly authorized agents specifically named therein, and which had been filed with this Commission to become effective January 1, 7, and 10, 1916. It further appearing that pending such hearing and decision the Commission ordered that the operation of said tariffs be suspended, and that the use of said fares and charges be deferred upon traffic subject to the jurisdiction of this Commission until the 29th day of April, 1916, unless otherwise ordered by the Commission; and thereafter it having appeared that such hearing could not be concluded within the period of suspension last stated, this Commission by its order of April 25th last further suspended the operation of said tariffs and directed that the use of said fares and charges should be further deferred until the 1st day of June, 1916; and by order dated May 25, 1916, the Commission further suspended the operation of said tariffs and directed that the use of said fares and charges should be further deferred until the 1st day of July, 1916, unless otherwise ordered by the Commission; and it now appearing that the aforesaid hearing can not be concluded within the period of suspension last above stated, it is

Ordered: That the operation of said tariffs be and hereby is further suspended, and the use of said fares and charges be and is further deferred upon traffic subject to the jurisdiction of the Public Service Commission, Second District, until the 30th day of September, 1916, unless otherwise ordered by the Commission; this order however does not concern certain tariffs of The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company, because by order of this Commission dated June 8, 1916, all of said last specifically mentioned tariffs have been directed to be canceled on or before July 1, 1916.

It is further Ordered: That a copy of this order shall be filed with each of said tariffs in the office of this Commission, and that copies hereof be forthwith served upon the respondents to this proceeding.

It is further Ordered: That upon receipt of this order by said carriers, respondents to this proceeding, such carriers or their duly authorized agents shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension and stating that said tariff or tariffs

are under suspension as to New York State traffic which is subject to the jurisdiction of the Public Service Commission, Second District, and may not be applied or charged until further notice, or until September 30, 1916; such tariff amendments to also refer by P. S. C., 2 N. Y., number or numbers to the tariff or tariffs in which fares or charges effective during the period of further suspension may be found. The title page of every such tariff amendment shall show issued date July 1, 1916, and bear notation "issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date June 26, 1916, in case No. 5345".

[Case No. 5363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

In the matter of the UNITED TRACTION COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

Upon facts found and for reasons stated in the accompanying opinion by Commissioner Irvine, it is

Ordered: That the United Traction Company be and it is hereby directed to cancel, effective on or before July 1, 1916, the tariff containing fares and charges for transportation over its line within the State of New York, and rules and regulations affecting such fares and charges, heretofore filed with this Commission as its P. S. C., 2 N. Y., No. 9, bearing proposed effective date of January 1, 1916, but which tariff is now, by order of this Commission, under suspension until July 1, 1916.

[Case No. 5575]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,

Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF NEWFANE, in the county of Niagara, N. Y., requesting a flagman to be stationed at the crossing of the New York Central railroad (Rome, Watertown and Ogdensburg railroad) with the Creek road, in said town, pursuant to section 53 of the Railroad Law.

The company, in answer to this complaint, having informed the Commission that it would "maintain a flagman at this crossing during the day-time, and arrangements have been made to put this man on commencing tomorrow, the 14th instant," and attorneys for complainant having informed the Commission that this action satisfies the complaint, it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 5583]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of MEXICO ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, conduits, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Parish, Oswego county, and the incorporated village of Parish, Oswego county; and for approval of the exercise of rights and privileges under franchises therefor received from the town and village.

The petitioner, Mexico Electric Company, is now furnishing electricity in the towns of Palermo and Mexico and the incorporated village of Mexico, Oswego county. It is desired to extend this service so as to furnish electricity to the inhabitants of the town of Parish, and particularly to the village of Parish in said town; and the permission of the Commission is sought for the construction of an electric plant and the approval of franchises therefor. The petitioner has received franchises from the town board and superintendent of highways of the Town of Parish, and the president and trustees of the Village of Parish. A public hearing was held in the city of Syracuse on Friday, June 23, 1916, at which S. B. Storer appeared for the petitioner, and George C. Hannon for the State Department of Highways. It appeared that the Salmon River Power Company has a transmission line across the town of Parish, and that the Parish Lighting Company furnishes acetylene gas in the village of Parish, but there was no appearance on behalf of either company in opposition. The evidence showed that there was a demand for electric service which the petitioner desires to meet. It is determined and stated that the construction of said plant and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Mexico Electric Company, under section 68 of the Public Service Commissions Law, to construct, maintain, and operate the necessary poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the town of Parish for the purpose of transmitting electric power in and through said town, and for the purpose of using, distributing, and furnishing electricity for light, heat, or power to the said town of Parish and the inhabitants thereof.

2. That the permission and approval of the Commission be given to said Mexico Electric Company to exercise the rights and privileges conferred by said franchises granted by the town board and superintendent of highways of the Town of Parish March 3, 1916, and by the president and trustees of the Village of Parish April 15, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

508 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5597]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of THE LEHIGH VALLEY RAIL WAY COMPANY, Lessor, and LEHIGH VALLEY RAILROAD COMPANY, Lessee, under section 55 of the Public Service Commissions Law for authority to the Rail Way company to issue \$1,100,000 in 50-year 5 per cent debenture gold bonds.

Petition filed June 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Lehigh Valley Rail Way Company is hereby authorized to issue \$1,100,000 face value of its 5 per cent fifty-year debenture gold bonds which shall be sold at a price not less than the face value thereof, to give net proceeds of at least \$1,100,000.

2. That said bonds of the face value of \$1,100,000 so authorized, or the proceeds thereof to the amount of \$1,100,000, shall be used solely and exclusively for the reimbursement of the treasury of the Lehigh Valley Railroad Company for advances made and to be made by it to The Lehigh Valley Rail Way Company for additions and betterments to the road and equipment of the latter company, as follows: Advances to March 31, 1916, \$805,208.75; estimated advances made and to be made to June 30, 1916, \$298,510.51: \$1,103,719.26; amount unprovided for, \$3719.26.

3. That if said bonds of a total face value of \$1,100,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,103,719.26, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Lehigh Valley Rail Way Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That The Lehigh Valley Rail Way Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of Proposed New Passenger Fares by various common carriers subject to the jurisdiction of this Commission.

Upon the application of The New York Central Railroad Company, which alleges that it has not had time to sufficiently study the decision of the Commission in this case in order to determine whether or not it shall accept such determination or apply for a rehearing, it is ordered that the order of the Commission in this case under date of June 8th last shall be and the same hereby is modified to read as follows:

Ordered: That The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company, respectively, be and they severally are hereby directed to cancel on or before July 15, 1916, the tariffs containing schedules of individual and joint fares and charges for transportation within the State of New York over the lines of the said The New York Central Railroad Company, the West Shore Railroad Company, and the Boston and Albany Railroad Company, respectively, heretofore filed with this Commission and proposed to become effective on the 1st day of January, 1916, and all of which said schedules are now under suspension until July 15, 1916, by order of this Commission."

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of June, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of Proposed New Passenger Fares by various common carriers subject to the jurisdiction of this Commission.

It appearing that the hearing heretofore entered upon in the matter above entitled can not be concluded within the period of suspension of certain tariffs filed herein by The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company, respectively, which said tariffs were suspended until July 1, 1916, by order of this Commission of May 25th last; now therefore it is

Ordered: That the operation of said tariffs referred to and particularly described in the preceding paragraph hereof be and the same is further suspended, and the use of the fares and charges in said paragraphs mentioned

and provided is further deferred upon traffic subject to the jurisdiction of the Public Service Commission, Second District, until the 15th day of July, 1916, unless otherwise ordered by this Commission.

It is further Ordered: That a copy of this order shall be filed with each of said tariffs in the office of this Commission, and that copies hereof be forthwith served upon the respondents particularly above mentioned.

It is further Ordered: That upon receipt of this order by said last above mentioned respondents they or their duly authorized agents shall respectively publish and file with the Commission proper tariff amendment containing notice of this order of suspension, and stating that said tariff or tariffs are under suspension as to New York State traffic which is subject to the jurisdiction of the Public Service Commission, Second District, and may not be applied or charged until further notice, or until July 15, 1916; such tariff amendments to also refer by P. S. C., 2 N. Y., number or numbers to the tariff or tariffs in which fares or charges effective during the period of further suspension may be found. The title page of every such tariff amendment shall show issued date July 1, 1916, and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date June 30, 1916, in case No. 5345".

Special Permission Tariffs, June, 1916.

No. 6042; June 1, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date May 31, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone, Crushed Stone Screenings, and Crushed Stone coated with oil or asphaltum, carloads, minimum weight sixty thousand pounds, from Akron Falls, N. Y., over its line via Auburn, N. Y., and the Lehigh Valley railroad to Moravia, N. Y., at rate of one dollar and thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2744, effective June 7, 1916.

No. 6043; June 1, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date May 31, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone, Crushed Stone Screenings, and Crushed Stone coated with oil or asphaltum, in carloads, minimum weight sixty thousand pounds, from Akron, N. Y., and Clarence, N. Y., over its line via Auburn, N. Y., and the Lehigh Valley railroad to Moravia, N. Y., at rate of one dollar and thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 741, effective June 8, 1916.

No. 6044; June 2, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date June 1, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a local commodity tariff applying on Acid Wood, carloads, minimum weight forty thousand pounds, from all stations on its line to Shavertown, N. Y., at rate of twenty-six and one-fourth cents per ton of two thousand

pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 160, effective June 20, 1916.

No. 6045; June 5, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date June 3, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity tariff applying on Stone, Crushed or Quarry Broken, in carloads, minimum weight sixty thousand pounds, from Jamesville, N. Y., and Syracuse (Rock Cut Siding), N. Y., over its line via Syracuse, N. Y., New York Central railroad via Central Square, N. Y., and New York, Ontario and Western railway to West Monroe, N. Y., and Constantia, N. Y., at rate of one dollar per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2708, effective June 10, 1916.

No. 6046; June 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff on Ice, carloads, minimum weight fifty thousand pounds, from Lake Mahopac, N. Y., and Towners, N. Y., over its line via Brewster, N. Y., and the Central New England railway to Green Haven, N. Y., at rate of one dollar and sixteen cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2746, effective June 12, 1916.

No. 6047; June 7, 1916; The Long Island Railroad Company:

Ordered: That under its application of date June 6, 1916, The Long Island Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a special excursion tariff account of the Military Training Camp, Eastern Department, U. S. A., for boys at Fort Terry, Plum Island, said tariff to provide rate of \$2.95 per capita for parties of not less than two hundred persons traveling from New York city to Greenport, N. Y., and return, tickets to be good going only on special train on July 6, 1916, and for return on special train on August 10, 1916. This permission is void unless the schedule issued thereunder is filed with the Commission on or before July 2, 1916.

Completed by P. S. C. No. 417, effective July 6, 1916.

No. 6048; June 8, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date June 7, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, a special excursion tariff of round-trip fares from Albany, N. Y., to Hadley, N. Y., said tariff to provide for the sale of tickets under terms and conditions as set forth in exhibit attached to and a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within fifteen days from the date hereof.

Completed by P. S. C. No. 1477, effective June 28, 1916.

No. 6049; June 8, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date June 7, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regula-

tions of the Commission established thereunder, upon not less than ten days' notice and effective not earlier than July 1, 1916, a supplement to its tariff G. O. P. S. C. 2 N. Y., No. 740, said supplement to provide on Gravel and Sand, in carloads, from Scottsville, N. Y., via Mt. Morris, N. Y., and the Delaware, Lackawanna and Western railroad to Bath, N. Y., rate of one dollar and twenty-one cents, and to Dansville, N. Y., rate of eighty-four cents per two thousand pounds.

Completed by supplement No. 36 to G. O. P. S. C. No. 740, effective July 1, 1916.

No. 6050; June 8, 1916; Plattsburgh Traction Company:

Ordered: That under its application of date June 8, 1916, the Plattsburgh Traction Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 8, said supplement to provide a regulation covering the transportation of passengers between points within the limits of the city of Plattsburgh and the south line of the Military Training Camp on the Lake Shore road, as set forth in the application. This permission is void unless the schedule issued thereunder is filed with the Commission within fifteen days from the date hereof.

Completed by supplement No. 31 to P. S. C. No. 8, effective June 11, 1916.

No. 6051; June 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 8, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1850, applying on Brick and articles taking same rates, carloads, minimum weight fifty thousand pounds, from Beach Ridge, N. Y., to Saranac Lake, N. Y., at rate of two dollars and eighty-six cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 1850, effective June 17, 1916.

No. 6052; June 12, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date June 10, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3118, said supplement to establish rate of eight and four-tenths cents per hundred pounds on Newsprint Paper, containing not less than 60 per cent ground wood (not including Newsprint Paper that has passed through a further process after its original manufacture), in carloads, minimum weight forty thousand pounds (Note: Shipping orders and bills of lading must bear clause "Containing not less than 60 per cent ground wood"), from Corinth, N. Y., Fort Edward, N. Y., Glens Falls, N. Y., and Hudson Falls, N. Y., to Albany, N. Y. (to apply on traffic for movement via water transportation lines on Hudson river in connection with which no through rates are in effect). This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 29 to P. S. C. No. 3118, effective June 14, 1916.

No. 6053; June 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by

the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Baskets, Boxes, or Crates, in straight or mixed carloads, minimum weight twenty thousand pounds, from Rochester, N. Y. (Brighton station, Kent Street station, Portland Avenue station, and State Street station), to Carlton, N. Y., at rate of four and two-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2753, effective June 19, 1916.

No. 6054; June 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East), and its leased line, the West Shore Railroad:

This special permission not used.

No. 6055; June 12, 1916; Albany Southern Railroad Company:

Ordered: That under its application of date June 12, 1916, the Albany Southern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and in accordance with agreement reached in case No. 5539, a proportional freight tariff on Milk, Cream, etc., from points on its line to Rensselaer, N. Y., when shipped on milk trains and consigned to New York city stations, namely 130th and 33rd Streets on the New York Central railroad; said tariff to cancel its tariff P. S. C., 2 N. Y., No. 122, revising the rates, charges, rules, and regulations as set forth in exhibit attached to and a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by P. S. C. No. 129, effective June 16, 1916.

No. 6056; June 13, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date June 9, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local freight tariff applying on Fluid Milk and Buttermilk, in cans, said tariff to establish rates in cents per hundred pounds from Bliss, N. Y., to Springville, N. Y., including free return of empty cans, as follows: In five-gallon cans, each can weighing 55 pounds, 19.1; in eight-gallon cans, each can weighing 88 pounds, 14.3; in ten-gallon cans, each can weighing 111½ pounds, 14.2. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1271, effective June 16, 1916.

No. 6057; June 13, 1916; Erie Railroad Company:

Ordered: That under its application of date June 12, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, joint commodity tariffs on Agricultural Lime and Ground Limestone, in carloads, minimum weight forty thousand pounds, from Lime Rock, N. Y., over its line in connection with other carriers to New York state stations and at rates in cents per two thousand pounds as set forth in exhibit attached to and a part of said application. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. Nos. 3626, 3627, and 3628; effective June 16, 1916.

No. 6058; June 13, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date June 12, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby

authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established there under, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone Screenings, carloads, minimum weight sixty thousand pounds, from South Bethlehem, N. Y., over its line via Rotterdam Junction, N. Y., and the Boston and Maine railroad to Scotia, N. Y., at rate of eighty-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 747, effective June 23, 1916.

No. 6059; June 14, 1916; Erie Railroad Company:

Ordered: That under its application of date June 13, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Ashes and Cinders, carloads, minimum weight sixty thousand pounds, from Port Jervis, N. Y., to Goshen, N. Y., at rate of sixty-three cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3631, effective June 17, 1916.

No. 6060; June 14, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date June 13, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Condensed Milk, in cases (to be stored and re-shipped), in carloads, minimum weight fifty thousand pounds, from Mt. Upton, N. Y., to New Berlin, N. Y., at rate of five cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3291, effective June 19, 1916.

No. 6061; June 14, 1916; New York State Railways, Oneida line:

Ordered: That under its application of date June 13, 1916, the New York State Railways, Oneida line, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of June 25, 1916, and expiring September 4, 1916, unless sooner canceled, changed, or extended, a joint passenger tariff in connection with the New York, Ontario and Western Railway Company of one-way and round-trip excursion fares to Sylvan Beach, N. Y., said tariff to establish the one-way and round-trip fares as set forth in application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. O-18, effective June 25, 1916.

No. 6062; June 16, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date June 15, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3073, said supplement to establish on Piling, in carloads, from Oakwood, N. Y., and Half Acre, N. Y., over its line and the New York Central railroad to Syracuse, N. Y., a rate of one dollar and sixty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. No. D-3073, effective June 22, 1916.

No. 6063; June 16, 1916; The New York Central Railroad Company (Line Buffalo N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Marble, rough quarried, sawed, hammered, chiseled, or dressed (not polished), and Marble Blocks, Slabs, or Pieces (polished), in carloads, minimum weight as per Official Classification, from Gouverneur, N. Y., to East Syracuse, N. Y., at rate of nine cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2759, effective June 23, 1916.

No. 6064; June 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint freight tariff or supplement applying on Common Brick, in carloads, minimum weight fifty thousand pounds, from Cohoes, N. Y., over its line via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to Sherburne, N. Y., at rate of one dollar and thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 2762, effective June 19, 1916.

No. 6065; June 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and its leased line, the West Shore Railroad:

Ordered: That under its application of date June 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue June 20, 1916, supplements to freight tariffs P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, said supplements to further postpone from June 20, 1916, until December 20, 1916, the effective date of advances in charges for storage of freight at New York, Brooklyn, Queensboro Terminal, Long Island City, N. Y., and Jersey City, N. J., published in supplement No. 2 and now under postponement until June 20, 1916, and give reference by P. S. C., 2 N. Y., number to tariffs where rates will be found pending period of postponement. Said supplement to show no effective date, and may be issued without regard to the Commission's rule limiting the volume of supplemental matter.

Completed by supplement No. 12 to P. S. C. N. Y. C. No. 2483, and supplement No. 11 to P. S. C. W. S. No. 667; effective June 20, 1916.

No. 6066; June 17, 1916; Greenwich and Johnsonville Railway Company:

Ordered: That under its application of date June 14, 1916, the Greenwich and Johnsonville Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 391, said supplement to establish on Wrapping Paper, carloads, minimum weight as per Official Classification, from Thomson, N. Y., over its line via Johnsonville, N. Y., and The Delaware and Hudson Company to Hudson Falls, N. Y., at rate of eight and four-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 391, effective June 21, 1916.

No. 6067; June 17, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date June 16, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone Screenings, carloads, minimum weight sixty thousand pounds, from South Bethlehem, N. Y., over its line via Rotterdam Junction, N. Y., and the Boston and Maine railroad to Buskirk, N. Y., at rate of ninety-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 747, effective June 23, 1916.

No. 6068; June 17, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of June 19, 1916, a local commodity tariff applying on Crushed Stone, carloads, minimum weight sixty thousand pounds, from Ogdensburg, N. Y., to Canton, N. Y., at rate of fifty-three cents per ton of two thousand pounds.

Completed by P. S. C. N. Y. C. No. 2758, effective June 19, 1916.

No. 6069; June 17, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That under its applications of dates June 16 and 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and effective not earlier than July 1, 1916, tariffs of revised rules and charges governing stop-off and diversion privilege at Frankfort, N. Y., on grain, flour, feed, meal, and bran, said tariffs to cancel tariffs N. Y. C. & H. R. R. R. Co. and its leased line, W. S. R. R., issues, respectively, P. S. C., 2 N. Y., Nos. 14070 and 3991, and to establish in place thereof the revised rules and charges as stated in said applications. This permission is granted to maintain uniformity in practice by the carriers as to interstate and state traffic in the handling of said shipments, the Interstate Commerce Commission by order dated June 6, 1916 (docket No. 7608), requiring these carriers to establish, as to interstate traffic, on or before July 1, 1916, these revised rules and charges.

Completed by New York Central P. S. C. N. Y. C. No. 2761, and West Shore P. S. C. W. S. No. 751; effective July 1, 1916.

No. 6070; June 17, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That under its applications of dates June 16 and 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and effective not earlier than July 1, 1916, tariffs of revised rules and charges governing stop-off and diversion privilege at Lyons, N. Y., on grain, grain products, hay, lumber, and other property (except live stock, coal, and coke), said tariffs to cancel tariffs P. S. C., 2 N. Y., N. Y. C. No. 2377, and P. S. C., 2 N. Y., W. S. No. 623, and to establish in place thereof the revised rules and charges as stated in said

applications. This permission is granted to maintain uniformity in practice by the carriers as to interstate and state traffic in the handling of said shipments, the Interstate Commerce Commission by order dated June 6, 1916 (docket No. 7608), requiring these carriers to establish, as to interstate traffic, on or before July 1, 1916, these revised rules and charges.

Completed by P. S. C. N. Y. C. No. 2760, and P. S. C. W. S. No. 750; effective July 1, 1916.

No. 6071; June 19, 1916; Wellsville and Buffalo Railroad Corporation:

Ordered: That under its application of date June 19, 1916, the Wellsville and Buffalo Railroad Corporation is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Cinders and Coal Ashes, in carloads, minimum weight forty thousand pounds, from Buffalo, N. Y., over its line via Wellsville, N. Y., and the Buffalo and Susquehanna Railroad Corporation to Ford's Brook, N. Y., at rate of sixty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 15, effective June 22, 1916.

No. 6072; June 20, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date June 19, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Iron Ore Tailings, carloads, minimum weight forty thousand pounds, from Lyon Mountain, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to Aqueduct, N. Y., Crescent, N. Y., Dunsbach Ferry, N. Y., and Niskayuna, N. Y., at rate of one dollar and seventeen cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3290, effective June 22, 1916.

No. 6073; June 20, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 20, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Building Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Yosts, N. Y., over its line via Rotterdam Junction, N. Y., and the Boston and Maine railroad to Schuylerville, N. Y., at rate of eighty-one cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2775, effective June 24, 1916.

No. 6074; June 21, 1916; Rutland Railroad Company:

Ordered: That under its application of date June 21, 1916, the Rutland Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of July 1, 1916, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 772 and 786, said supplement to P. S. C., 2 N. Y., No. 772, to establish, as to New York intrastate traffic, commodity rates on Milk, condensed or evaporated, in cans, boxed, less carloads and carloads, equal to Rule 26 and 5th classes now in effect from Rutland railroad stations to destinations named in tariff; said supplement to P. S. C., 2 N. Y., No. 786, to establish, as to New York intrastate traffic, ratings on Milk, condensed or evaporated, in cans, boxed, as follows: Less carloads, Rule 26; carloads, 5th class.

Completed by supplement No. 2 to P. S. C. No. 772, and supplement No. 1 to P. S. C. No. 786, effective July 1, 1916.

No. 6075; June 20, 1916; Wellsville and Buffalo Railroad Corporation:

Ordered: That under its application of date June 17, 1916, the Wellsville and Buffalo Railroad Corporation is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 3, applying for the transportation of Milk, Cream, etc., in passenger trains, said supplement to establish rate of twenty-six and three-tenths cents per can of ten gallons on Cream or Condensed Milk from Buffalo, N. Y., to Arcade, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 3, effective June 28, 1916.

No. 6076; June 22, 1916; Greenwich and Johnsonville Railway Company:

Ordered: That under its application of date June 20, 1916, the Greenwich and Johnsonville Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 390, said supplement to cancel supplement No. 6 to such tariff, filed to take effect July 21, 1916, reissuing the matter contained therein making no change except to establish as effective on not less than one day's notice the items now contained in said supplement to become effective July 21, 1916. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. 390, effective June 27, 1916.

No. 6077; June 23, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 22, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2328, said supplement to establish on Crushed Stone, in carloads, minimum weight sixty thousand pounds, from Little Falls, N. Y., to Rochester, N. Y., rate of one dollar and thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2328, effective July 1, 1916.

No. 6078; June 23, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to its freight tariffs of commodity rates on various articles for the purpose of further postponing, as to New York state intrastate traffic, from June 29, 1916, until December 29, 1916, the effective date of the following tariffs and supplements: The New York Central Railroad Company issue: supplement No. 1 to P. S. C., 2 N. Y., N. Y. C. No. 1021; supplement No. 3 to P. S. C., 2 N. Y., N. Y. C. No. 2396; supplement No. 3 to P. S. C., 2 N. Y., N. Y. C. No. 2399. Tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 2531, 2532, 2533, 2534, 2535, and 2536. West Shore Railroad issue: supplement No. 3 to P. S. C., 2 N. Y., W. S. No. 296; and supplement No. 2 to P. S. C., 2 N. Y., W. S. No. 405. Tariffs P. S. C., 2 N. Y., W. S. Nos. 682, 683, 684, 685, and 686. Such postponement supplements shall give reference to tariffs where rates will be found during period of postponement, and may be issued without regard to the Commission's rule prohibit-

ing the supplementing of tariffs of less than five pages. Said postponement supplements shall show date of issue only, and be filed with the Commission on or before June 29, 1916.

Completed by proper notices of suspension, filed June 27, 1916.

No. 6079; June 24, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date June 25, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of July 1, 1916, a local proportional freight tariff covering charges for stop-off with reconsigning privileges on grain, flour, feed, meal, and bran, in carloads, at Oneonta, N. Y., said tariff to establish the rates, rules, and regulations as per exhibit attached to and a part of said application.

Completed by P. S. C. No. 3286, effective July 1, 1916.

No. 6080; June 24, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date June 23, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff of joint commodity rates on Plaster and Plaster Articles, P. S. C., 2 N. Y., No. 2667, for the purpose of further postponing the taking of effect of all schedules contained in said tariff which was filed to take effect March 11, 1916, and postponed until the 29th day of June, 1916, further deferring the use of rates, charges, regulations, and practices therein stated upon New York intrastate traffic until the 29th day of December, 1916, unless otherwise ordered by the Commission. Said postponement supplement may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five pages, to show date of issue only, and to be filed with the Commission on or before June 29, 1916.

Completed by supplement No. 2 to P. S. C. No. 2667, filed June 27, 1916.

No. 6081; June 24, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date June 23, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3073, said supplement to establish rate on Pilings, in carloads (minimum weight to be specified), from Sylvan Beach, N. Y., and Oneida Creek, N. Y., over its line and the New York Central railroad to Syracuse, N. Y., of one dollar and fifty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. No. D-3073, effective June 29, 1916.

No. 6082; June 27, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date June 27, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and proportional tariff of rules governing the furnishing of temporary doors or bulkheads for shipments of fruits or vegetables, in bulk; such tariff to be issued as canceling P. S. C., 2 N. Y., No. 3208, reissuing the matter contained therein without change except to eliminate the words "and destined to" from the second line of the introductory paragraph of said rules. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3297, effective July 1, 1916.

No. 6083; June 27, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date June 27, 1916, The New York, New Haven and Hartford Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of June 28, 1916, a supplement to its tariff P. S. C., 2 N. Y., No. X-11, for the purpose of postponing until October 26, 1916, the effective date of section C of Rule 5 contained in supplement No. 2 to said tariff, and filed to become effective June 28, 1916. Such postponement supplement shall be filed with the Commission on or before June 28, 1916, and give reference to tariff where regulations will be found during period of postponement, and may be issued without regard to the Commission's rule governing the supplementing of tariffs of less than seventeen pages.

Completed by supplement No. 4 to P. S. C. No. X-11, effective June 28, 1916.
No. 6084; June 27, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company, under its application of date June 27, 1916, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, proper tariff schedule for the purpose of postponing, as to New York state traffic, the effective date of supplement No. 6 to its P. S. C., 2 N. Y., No. 1129, from June 29, 1916, until December 29, 1916. Such postponement schedule shall give reference to tariff where rates will be found during period of postponement, and may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five pages.

It is further Ordered: That to admit of changes in rates being made in the ordinary course of business during period of postponement, the tariff remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by supplement No. 9 to P. S. C. No. 1129, filed June 28, 1916.
No. 6085; June 28, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date June 28, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, tariff supplements, for the purpose of postponing, as to traffic within the jurisdiction of this Commission, from June 29, 1916, until December 29, 1916, the effective date of the rates, charges, regulations, and practices stated in schedules applying to the transportation of Plaster and Plaster Articles from Garbutt, N. Y., as contained in freight tariffs issued to take effect March 1, 1916, designated as follows: G. O. P. S. C., 2 N. Y., No. 853; supplement No. 1 to G. O. P. S. C., 2 N. Y., No. 814; supplement No. 3 to G. O. P. S. C., 2 N. Y., No. 726; supplement No. 23 to G. O. P. S. C., 2 N. Y., No. 763; supplement No. 24 to G. O. P. S. C., 2 N. Y., No. 792; supplement No. 17 to G. O. P. S. C., 2 N. Y., No. 797; supplement No. 1 to G. O. P. S. C., 2 N. Y., No. 839; such postponement supplements to give reference to tariffs where rates will be found during period of postponement, and may be issued without regard to the Commission's rule prohibiting the supplementing of tariffs of less than five pages.

It is further Ordered: That to admit of changes in rates being made during the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by proper supplements filed June 28, 1916.

No. 6086; June 28, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date June 27, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 1458, for the purpose of eliminating from such tariff rates and regulations for special Monday excursions to Ausable Chasm, N. Y., as shown on page 4. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 1458, effective July 3, 1916.

No. 6087; June 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date June 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a properly P. S. C., 2 N. Y., numbered supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1227, for the purpose of establishing a rate of sixty-three cents per two thousand pounds on Building Sand, carloads, minimum weight sixty thousand pounds, from Calcium, N. Y., to Mallory, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 18 to P. S. C. N. Y. C. No. 1227, effective July 7, 1916.

No. 6088; June 29, 1916; New York State Railways:

Ordered: That under its application of date June 28, 1916, the New York State Railways is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff schedule for the purpose of establishing a switching charge of fifteen dollars per car on construction material in carloads from Utica Park siding over the New York State Railways' railroad to Stop No. 4 on its Little Falls line. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 5, effective July 14, 1916.

No. 6089; June 29, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date June 28, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff schedule for the purpose of establishing a rate of seventy-nine cents per two thousand pounds on Common Sand, carloads, minimum weight fifty-four thousand pounds, from East Corning, N. Y., via Corning, N. Y., and the New York Central railroad, to Reading Center, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2722, effective July 1, 1916.

No. 6090; June 30, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date June 30, 1916, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Crushed Stone, in carloads, minimum weight ninety per cent of the marked capacity of car, but in no case less than twenty-seven tons of two thousand pounds each, from Hudson Upper, N. Y., to Claverack, N. Y., at

rate of forty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 585, effective July 3, 1916.

No. 6091; June 30, 1916; Westcott Express Company:

Ordered: That under its application of date June 23, 1916, the Westcott Express Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a local transfer tariff of rates, charges, rules, and regulations applying in Albany, N. Y., and vicinity, as set forth in application which is hereby made a part of this order, for the purpose of establishing reduced rates due to change in operation from horse-drawn to motor vehicles. Said tariff shall be issued as canceling P. S. C., 2 N. Y., No. 21, giving one day's notice. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 21, effective July 12, 1916.

No. El.-14; June 3, 1916; Boquet Electric Power Company:

Ordered. That under its application of June 2, 1916, the Boquet Electric Power Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a general schedule for electricity as its P. S. C., 2 N. Y., No. 2: said schedule to supersede P. S. C., 2 N. Y., No. 1, and establish the rates, rules, and regulations set forth in the exhibit attached to and made a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2, effective June 7, 1916.

No. El.-15; June 15, 1916; Olean Electric Light and Power Company:

Ordered: That under its application of June 12, 1916, the Olean Electric Light and Power Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, under an effective date of July 1, 1916, an amendment to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, revising Service Classification No. 6. Said amendment shall be issued as superseding Original Leaf No. 10 of said general schedule and establish the following as applying to electricity consumed for general lighting purposes in the villages of Hinsdale, Ischua, and Franklinville: For first thirty kilowatt hours per month, eleven cents per kilowatt hour; all over thirty kilowatt hours per month, five cents per kilowatt hour; minimum charge per month one dollar net, prompt payment discount ten per cent.

Completed by schedule effective July 1, 1916.

No. T.&T. 115; June 17, 1916; New York Telephone Company:

Ordered: That under its application of June 16, 1916, the New York Telephone Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, under an effective date of June 21, 1916, an amendment to its local general tariff P. S. C., N. Y., No. 204, canceling Fourth Revised Sheet 2 and reissuing the matter contained without change, and add the regulation to govern installation of auxiliary fire alarm service for parochial schools in the city of New York as stated in said application; such regulation to be established to meet special conditions resulting from an order of the Fire Commissioner of the City of New York.

Completed by schedule effective June 21, 1916.

[Case No. 494-G]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day of
July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for permission to use coal burning locomotives Nos. 2404, 2411, and 2792 in ballast operations on the Adirondack division between Owls Head and Whippleville during the months of May and June, 1916.

The petitioner having applied under date of June 28, 1916, for an extension of the period during which it may operate coal burning locomotives Nos. 2404, 2411, and 2792 in connection with its ballast operations on the Adirondack division between Owls Head and Whippleville; and the matter having been presented to the Conservation Commission, which Commission has stated that it has no objection to said extension; now therefore it is

Ordered: That permission to operate coal burning locomotives Nos. 2404, 2411, and 2792 in connection with ballast operations on its Adirondack division between Owls Head and Whippleville during the month of July, 1916, is hereby granted The New York Central Railroad Company, under the same terms and conditions as set forth in the order of this Commission dated May 18, 1916.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day of
July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

In the matter above entitled the order of the Commission provides for the construction of a wall on the south side of the Erie railroad tracks adjacent to and westerly of the Wilcox-Burchard building. The railroad company desires to make a slight change in the alignment of said wall from that shown on the general plan approved by the order herein, said changed alignment requiring however the acquisition of a parcel of land which would not have been required under the original alignment as ordered. In order to effect said proposed changed alignment the railroad company has actually purchased the parcel of land necessary for the change, the total cost of land and expenses in connection with the purchase thereof being as follows:

Award of Commissioners with interest.....	\$426.50
Commissioners' fees and stenographer's bill.....	820.70
Sherman Brothers, cost.....	93.77
Fisher & Fisher, attorneys' expense.....	307.68
Total	\$1,148.65

The cost of the physical construction of a wall upon the proposed changed alignment will be \$885.20 less than the cost of the physical construction of a wall on the alignment heretofore approved, leaving as a total excess cost, everything considered, of a wall as now proposed over and above a wall as originally intended, \$263.45.

The Erie Railroad Company has now presented a petition dated May 3, 1916, asking for the approval by this Commission to the changed alignment of the wall, with the understanding that it is to pay the \$263.45 excess, charging to the State and the city only what would have been the cost of constructing a wall upon the original and approved alignment; and the City of Jamestown by resolution of its common council dated June 9, 1916, having approved said petition, a certified copy of said resolution being on file with the Commission, it is

Ordered: This this Commission hereby assents to and approves of a modification of the alignment of the wall herein referred to and as shown upon a general plan attached to the petition herein, upon the condition agreed to by the Erie Railroad Company and accepted by the City of Jamestown, that the excess cost of the proposed construction on said modified line, including that of the necessary land and any and all expenses incurred in the acquisition thereof over the cost of construction on an alignment heretofore approved, said excess cost amounting to \$263.45, be paid wholly by the Erie Railroad Company, and that the State of New York and the City of Jamestown be charged with their proportionate shares only of the cost of such wall as provided by the plan referred to and approved by the Commission's supplementary and amendatory order of July 30, 1912.

'Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

To the Mayor of the City of Ogdensburg:

The Public Service Commission, Second District, pursuant to chapter 542 of the laws of 1915, hereby certifies that the probable amount necessary to be raised by the City of Ogdensburg for the elimination of the Spring Street and Lake Street crossings of the New York Central railroad at grade in the city of Ogdensburg is not to exceed twenty thousand dollars (\$20,000). Owing to the impossibility of determining in advance of actual construction the precise cost, the Public Service Commission has estimated the cost of the entire work at eighty thousand dollars (\$80,000). While the city ought to provide for a bond issue of the maximum of twenty thousand dollars, only so much thereof as shall ultimately be determined as the city's share of the improvement upon an accounting duly had will become payable.

By the Commission.

[SEAL]

FRANCIS X. DISNEY,
Secretary.

[Case No. 5146]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF SODUS, Wayne county, *against* NEW YORK STATE RAILWAYS, asking for better shelter station at Centenary Crossing.

Representative of complainants having notified the Commission that the shelter station constructed at this crossing as a result of this complaint does not satisfy the public using the railroad, it is

Ordered: That this case is hereby reopened, and a hearing in the matter is hereby set and will be held by Commissioner Irvine at the courthouse in the city of Rochester on Saturday, July 15, 1916, at 12 o'clock noon.

[Case No. 5513]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of A. ISABELLA COOK of Sodus Point, Wayne county, N. Y., *against* NEW YORK STATE RAILWAYS, asking that a freight station be established on said railway in Sodus Point.

The New York State Railways operates an electric railroad from the city of Rochester to Sodus Point, passing through several intervening villages. The traffic is chiefly passenger, but a freight car runs daily, scheduled to arrive at Sodus point at 2:49 p. m. and to leave at 3:05 p. m. The road enters the village of Sodus through the main street, and at its terminus there is a comfortable station and waiting room for passengers. Normally the freight car is met by a drayman who receives and distributes the packages and who also picks up and delivers to the car the small number of outgoing packages. The demand of this complaint is for a freight station. There is no complaint that receipts or deliveries are delayed or that goods are damaged. The complaint is that Sodus Point is essentially a summer resort, that the loading and unloading of freight on the public street is a wrongful obstruction, that it is unsightly, and that when the arrival of the car is delayed beyond 6 o'clock goods are left on the street over night to the annoyance of the public. The street is very wide, the track is in the center, there is no pavement, and for a considerable distance from the terminus only one side is traveled by vehicles or in a condition for vehicular travel. Any goods which may be on the ground for loading or which may be unloaded are placed on the untraveled side. The total freight receipts in and out of Sodus Point from March, 1915, to February, 1916, inclusive, were \$2623.82. The outbound business is very small. The inbound goods are normally handled by the drayman upon their arrival but not if they arrive after 6 o'clock. In the year 1915 there were only twenty-one occasions when the car arrived after 6 o'clock, and on nine of these it arrived before

6:15. The usual notices of hearing were given, and in addition there was a notice posted in the front window of the waiting room stating "All those interested in having a freight house instead of handling freight in the public street are earnestly asked to attend said hearing". In addition to the complainant, four residents appeared, two of whom, one the proprietor of the hotel next door to the station and the other a merchant across the street, testified in effect that they were entirely satisfied with existing arrangements and that they knew of no substantial complaint. Under all the circumstances, the Commission would not be warranted in requiring the erection of a freight house. It is however practicable to store goods, incoming or outgoing, within the waiting room or upon its veranda when otherwise they would have to lie for a considerable period upon the street. The respondent should see to it that this is done, and complaint on that ground will be entertained. If there is any unreasonable obstruction of street traffic, the village authorities have ample power in the premises. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 5583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day of
July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of MEXICO ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, conduits, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Parish, Oswego county, and the incorporated village of Parish, Oswego county; and for approval of the exercise of rights and privileges under franchises therefor received from the town and village.

June 26, 1916, an order was made herein by which it was sought to approve the commencement of construction of an electric plant by the applicant in the town of Parish and the village of Parish, and to approve the exercise of certain franchises therefor. A clerical error having been made in said order the ordering part thereof is amended to read as follows: It is determined and stated that the construction of said plant and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Mexico Electric Company, under section 68 of the Public Service Commissions Law, to construct, maintain, and operate the necessary poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the town of Parish and of the village of Parish for the purpose of transmitting electric power in and through said town and village, and for the purpose of using, distributing, and furnishing electricity for light, heat, or power to the said town of Parish and village of Parish and the inhabitants thereof.

2. That the permission and approval of the Commission be given to said Mexico Electric Company to exercise the rights and privileges conferred by said franchises granted by the town board and superintendent of highways

of the Town of Parish March 3, 1916, and by the president and trustees of the Village of Parish April 15, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

The City of Jamestown by petition dated February 28, 1916, has asked this Commission to approve a modification of the plan heretofore approved in so far as it relates to the lay-out of highway traffic facilities and approaches to the new station which, as necessarily incident to the elimination of its grade crossings at Institute street, Main street, and West Second street, the Erie Railroad Company proposes to build at Jamestown. From testimony taken at a hearing in the matter at Jamestown on June 29th last, it appears that the plans for the new station as originally prepared by the railroad were not satisfactory to the city, because under said plans the approach from Main street, which is now used by a large number of pedestrians as a convenient way of access to the station, would be destroyed; besides which the driveway immediately to the rear of the present station and now used by the public mainly for express and baggage delivery would be measurably curtailed. It further appears that for the loss and curtailment in access and highway area last mentioned the plans heretofore approved provide no complete compensating advantages, either in means of access to the station or in the method of handling the station business. According to a plan upon which the changes desired by the petitioners are shown, said plan being attached to the petition, the main building of the new station is to extend to the curb line of West First street (the street parallel to the railroad and passing in front of the existing station), and this street, which now ends at the station, is to be extended westerly a distance of about 290 feet to a junction with Washington street, an existing north and south street. The plan further provides for a pedestrian subway under two tracks leading from the proposed new station building to an island platform about 600 feet long, to be located between the second and third tracks: a waiting shed, canopy, and stairways leading to the subway being included. The cost of this subway, island platform, stairway, canopy, etc., and any and all expenses connected with the construction thereof, the railroad company offers to bear, no part of such cost to be charged against the elimination account.

To accomplish this project it will be necessary to acquire land for the extension of West First street, estimated, inclusive of any consequential damages, to cost about \$16,000, and to grade and improve said extension and a portion of Washington street at an estimated cost of \$18,775, less a credit of \$9775, the estimated cost of certain work covered by the existing plans, which work will not be required if the proposed modification shall be approved: resulting in a net cost of \$9000 for such grading and improvement, making an estimated total cost of such street extension of \$25,000.

At the hearing on June 29th Samuel A. Carlson, mayor, and Cheston A. Price, corporation counsel, appeared for the City of Jamestown; Cyrus E. Jones for the Furniture Manufacturers' Building, Inc.; Fred C. Butler for the Jamestown Board of Commerce; F. O. Anderson for the Empire Case Company; A. C. Greenlund for the Jamestown Lounge Company; and Messrs. Jerome B. Fisher, T. H. Burgess, and Marion H. Fisher, attorneys, and R. S. Parsons and W. H. Brameld, respectively chief engineer and assistant engineer, for the Erie Railroad Company. There was no opposition to the changes in plan, with the additional expense involved which would result from such change, on the part of the railroad company, the City of Jamestown, or any of the other interested parties who appeared; and the Commission on July 10th, after due consideration, has accordingly determined that the extension of West First street and the improvement of said extension and a portion of Washington street as proposed would be of great advantage to the municipality and compensate the railroad company for the loss of facilities which it would suffer if the present plans should be carried out; and that the increased expense, estimated at \$25,000, properly should be charged against the elimination project under certain conditions hereinafter stated. Therefore it is

Ordered: First, that the order herein of July 30, 1912, be and it is hereby modified to provide for the extension of West First street in the city of Jamestown from its present terminus at the westerly line of Cherry street to a junction with Washington street, upon an alignment as shown upon a plan presented at the hearing on June 29th, said plan on file with the Commission being entitled "Erie Railroad Co. Proposed Improvements at Jamestown, N. Y. Office of Engineer of B. & B. Scheme P 2, Jan. 1916. I. C. E. Scale 20' = 1" Revised June 28, 1916." Beginning at the westerly curb line of Cherry street, West First street extension shall be built on the following grades: ascending 3 per cent for a distance of about 90 feet; thence level a distance of about 50 feet; thence ascending 4 per cent for a distance of about 50 feet; thence ascending 9 per cent for a distance of about 100 feet to a point opposite the easterly curb line of Washington street; thence level around the turn into Washington street. The grade of Washington street unless already so constructed shall descend to West Second street at the rate of about 9 per cent. On account of the projected northerly street line and the varying width of the proposed new station structure, the extension of West First street herein provided for will not be of uniform width. A concrete sidewalk at least 10 feet wide on its northerly side, and a sidewalk of similar width on the east side of Washington street, shall be provided, together with retaining walls, railings, etc., as found to be necessary. The entire roadways on West First street and on Washington street to West Second street shall be paved with brick; and inlets, catch-basins, manholes, and other structures shall be built if found to be necessary in order to secure complete and rapid disposition of surface waters.

Second, this order is made upon the express understanding that the total charge which shall be made against the elimination project herein for account of the improvement provided for in this amendatory order shall not exceed the sum of \$25,000, and that no financial liability or obligation on account of the extension of West First street herein provided for, including cost of land, consequential damages, grading and improvement of said extension and of that part of Washington street involved, and including all other expenses, cost, and charges whatsoever, in excess of \$6250, being its statutory share (one quarter) of the herein determined and agreed upon cost of this particular item of the elimination project, shall attach to or fall upon the State of New York, or shall be a charge upon or be payable out of any moneys which may have been or may be appropriated by the Legislature of the State for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise. If the cost of such extension of West First street, etc., shall exceed the sum of \$25,000, all of such excess cost shall be assumed and paid for by the City of Jamestown, acceptance of this order by the city to be deemed its assumption of any such excess cost.

Third, this order is furthermore expressly conditioned upon the construction by the Erie Railroad Company, at its own proper cost and charge, of a subway from its proposed new station building to a new island platform about six hundred feet long, together with two stairways leading from said platform to said subway, and including the erection of canopies and a waiting shed, all as more particularly shown and designated upon the plan hereinbefore referred to, as such plan may be modified before its final approval by this Commission.

Fourth, it is further expressly provided, and this order is made upon the condition assented to by the Erie Railroad Company, that said railroad company makes and will make no claim against the State of New York and no charge against this elimination project for damages to its existing station building or station property in Jamestown due to the elimination of the grade crossings involved herein, or for the cost of the new station building which it proposes to erect in connection with this improvement, which new station and any additional station facilities not covered by this order or any order previously entered herein, which facilities the railroad corporation may hereafter determine to provide in elaboration of its plans for such new station, are to be made and provided at the expense of said corporation.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

This Commission having by and under its order of May 10, 1916, in the above entitled matter, approved a contract entered into between the Erie Railroad Company and the Chautauqua Storage and Transfer Company, said contract having been approved by the City of Jamestown, for a modification of the general plan heretofore adopted with respect to the treatment of the revised grade of West Second street immediately in front of the Chautauqua Storage and Transfer Company's building, and a partial reconstruction of said building at a cost estimated to be \$1985; and the Erie Railroad Company having now submitted lump sum proposals of contractors for the reconstruction of this building as follows: C. C. Haas, \$1650; Jamestown Construction Company, \$1810; and both the Erie Railroad Company and the City of Jamestown having recommended the approval of the lower bid received, it is

Ordered: That this Commission hereby approve the lump sum bid of Charles C. Haas of \$1650 for the reconstruction of the Chautauqua Storage and Transfer Company's building, and a unit price of \$9 per cubic yard for any extra concrete masonry required over and above that shown on the approved drawings, this price of \$9 per yard to include all excavation, forms, and any and all other costs and expenses necessary to put said extra concrete masonry in place.

530 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation for approval of the Erie Railroad Company as indicated by the signatures of its chief engineer, the superintendent of construction, and the engineer of bridges and buildings, upon a detail masonry plan showing the wall to be erected on the south side of the tracks west of Main street between stations 715 plus 09.13 and 716 plus 33.46, and upon the approval of the City of Jamestown as similarly indicated upon said plan by the signature of the former city engineer, it is

Ordered: That said detail masonry plan, sheet No. 12, dated July 22, 1915, be and it is hereby approved.

[Case No. 3072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

Petition of COLLIERIES LIGHT, HEAT AND POWER COMPANY for amendment of an order of this Commission dated March 14, 1913.

By order dated March 14, 1913 (case No. 3072), this Commission authorized, among other things, Colliers Light, Heat and Power Company to acquire from Clinton Mills Power Company "a certain franchise granted by the trustees of the Village of Milford to the Clinton Mills Power Company on the 6th day of May". There were mistakes in this order, as follows:

1. This franchise could not be transferred without consent of the trustees of the village, which was not obtained. It has now been obtained.
2. "May" should have been "November".
3. The order did not authorize the Colliers company to exercise said franchise.

The Colliers company acquired said franchise, as well as another, and also the plant of the Clinton company, and has since been operating them. On June 1, 1916, the Colliers company filed with this Commission a petition asking that the mistakes be corrected, and a public hearing, after due notice, was held on June 16th at which the company only was represented. There appears to be no reason why the mistakes should not be corrected, and it is therefore

Ordered: That the acquirement by Colliers Light, Heat and Power Company of a certain franchise granted by the trustees of the Village of Mil-

ford to the Clinton Mills Power Company on the 6th day of November, 1911, is hereby authorized; and the permission and approval of this Commission is hereby given to Colliers Light, Heat and Power Company to construct, and exercise rights and privileges under said franchise.

[Case No. 4925]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the DUFFNEY BRICK COMPANY, INC.; MECHANIOVILLE BUILDING BRICK COMPANY, INC.; and TROY BRICK COMPANY, INC., *against* BOSTON AND MAINE RAILROAD; ADIRONDACK AND ST. LAWRENCE RAILROAD COMPANY; BUFFALO AND SUSQUEHANNA RAILROAD CORPORATION; BUFFALO AND SUSQUEHANNA RAILWAY COMPANY and H. I. MILJER, Receiver; BUFFALO, ATTICA AND ARCADE RAILROAD COMPANY; THE BUFFALO CREEK RAILROAD COMPANY; BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY; CENTRAL NEW ENGLAND RAILWAY COMPANY; THE DELAWARE AND HUDSON COMPANY; DELAWARE AND NORTHERN RAILROAD COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; ERIE RAILROAD COMPANY; FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY; GRAND TRUNK RAILWAY; GREENWICH AND JOHNSONVILLE RAILWAY COMPANY; THE LEHIGH AND HUDSON RIVER RAILWAY COMPANY; LEHIGH VALLEY RAILROAD COMPANY; THE LONG ISLAND RAILROAD COMPANY; NEW JERSEY AND NEW YORK RAILROAD COMPANY; THE NEW YORK CENTRAL RAILROAD COMPANY; NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY; NORWOOD AND ST. LAWRENCE RAILROAD COMPANY; THE PENNSYLVANIA RAILROAD COMPANY; THE PITTSBURG, SHAWMUT AND NORTHERN RAILROAD COMPANY and F. S. SMITH, Receiver; RUTLAND RAILROAD COMPANY; THE SOUTH BUFFALO RAILWAY COMPANY; THE ULSTER AND DELAWARE RAILROAD COMPANY; UNADILLA VALLEY RAILWAY COMPANY, and WEST SHORE RAILROAD COMPANY (The New York Central Railroad Company, lessee).

Complainants having withdrawn this complaint, it is

Ordered: That this complaint is hereby closed on the records of this Commission, without prejudice to complainants or either of them bringing a new complaint against the Boston and Maine Railroad; The Delaware and Hudson Company; The New York Central Railroad Company, for itself and as lessee of the West Shore Railroad; Fonda, Johnstown and Gloversville Railroad Company.

532 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5085]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

Petition of LONG BEACH POWER COMPANY under section
68, Public Service Commissions Law.

The Long Beach Power Company filed with this Commission a petition under section 68, Public Service Commissions Law, that it be permitted to construct an electric plant in the incorporated village of Long Beach, and that the exercise of rights and privileges under an agreement between said village and company be approved. A public hearing on said petition was held in New York city on April 14, 1916, at which the village as well as the company was represented. The plant is constructed and the company has been furnishing electricity in what is now the village for some years, the first construction having been under an agreement with the "Estates of Long Beach" before the incorporation of the village. The Commission sees no reason why it should not permit construction as done, and as may be required in the future, nor why it should not approve the exercise of rights and privileges under said agreement which may be considered a franchise. It is therefore

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Long Beach Power Company, in the incorporated village of Long Beach, of an electric plant of the kind now existing in said village, and hereby permits and approves the exercise by Long Beach Power Company of rights and privileges under an agreement between said company and the incorporated village of Long Beach made March 20, 1915.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5427]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF
BARDONIA, Rockland county, against WELLS FARGO
AND COMPANY EXPRESS as to discontinuance of the
Bardonia express station.

This is a complaint by residents of Bardonia, Rockland county, against Wells Fargo and Company Express, arising out of the recent discontinuance of an express station formerly maintained at Bardonia. Bardonia is a small community on the Piermont branch of the Erie railroad; its population is said

to number seventy-three (73) people. The railroad maintains no regular station there on its own property, but the general store owned by a Mr. DeMontreville is used as a railroad station, under an agreement between Mr. DeMontreville and the railroad company. Prior to February 5th of this year Mr. DeMontreville's store was also used as an express office by the Wells Fargo company. Mr. DeMontreville, as agent of the express company, was paid a 10 per cent commission on the express business he handled. His compensation on a commission basis amounted to about \$50 or \$60 a year, and last Winter he asked that his compensation be placed on a basis of \$10 per month. This was refused, and Mr. DeMontreville resigned as agent. On account of this severance of relations there is now no express agent at Bardonia. The express company is willing to retain Mr. DeMontreville in that capacity under the old arrangement, or is willing to employ someone else, but no one can be found to take the place. It appears from the testimony given at the hearing in the case that the 10 per cent commission basis upon which Mr. DeMontreville has heretofore been compensated is the usual one in the case of commission agents throughout this express company's territory. In some cases less is paid, but never more. Upon the volume of express business at Bardonia the testimony shows that a substantial loss to the company at the Bardonia office would result if a \$10 monthly salary was paid to the express agent there. There are other express stations near Bardonia: at Nanuet about two miles away, and at West Nyack about a mile and a-half distant. The principal complainant in the present case is a market gardener who ships vegetables to New York during the summer months. His place of business is about two hundred feet distant from Mr. DeMontreville's store, and he was formerly in the habit of delivering his shipments to Mr. DeMontreville at the store, by wagon or by wheelbarrow. He now has to drive either to Nanuet or West Nyack, between both of which places and Bardonia there are good highways. The attitude of the express company is not one of unwillingness to maintain an express station at Bardonia. It states that it is willing to continue the old arrangement with Mr. DeMontreville or to enter into a similar arrangement with any other responsible person. But it objects to establishing a different condition in Bardonia from that which exists elsewhere throughout its territory under substantially similar circumstances. The Commission does not feel that it would be justified, in this case, in compelling the express company to comply with Mr. DeMontreville's demands as to compensation. The circumstances of the case do not seem to warrant such a decision on our part. It is of course desirable that an express office should, if possible, be maintained at Bardonia, and the Commission feels justified in urging upon the company that it continue its efforts to make arrangements with a suitable person to act as express agent there. It does not feel, however, that it should at this time undertake to fix such agent's salary at a figure out of line with what has been the regular practice of the company in all similar situations. Therefore it is hereby

Ordered: That this complaint be and the same hereby is dismissed, and that this case be closed upon the records of the Commission.

534 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5564]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of the TOWN BOARD OF THE TOWN OF YORK, Livingston county, and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under section 91 of the Railroad Law as to the closing and discontinuance of the LeRoy-Alexander highway grade crossing of the New York, Lackawanna and Western Railroad, the construction of a new piece of highway and the diversion of travel from said crossing to the grade crossing of the Fowlerville-Pavilion Center Road.

In the town of York, at the Linwood station, the New York, Lackawanna and Western railroad is crossed at grade by two highways: one of them, a north and south highway known as the Fowlerville-Pavilion Center road, crosses immediately south of the station; the other, known as the LeRoy-Alexander road, crosses immediately north of the station. The LeRoy-Alexander road crosses the railroad on a very sharp skew, and on account of the obstruction to the view this crossing, particularly when approaching from the north, is dangerous. It is proposed to close this crossing and divert traffic therefrom to the Fowlerville-Pavilion Center road by means of the construction of a new piece of highway east of and immediately adjacent to the railroad company's right of way line. It is further proposed to enlarge the traveled portion of the Fowlerville-Pavilion Center road crossing of the tracks by making the planking over the two main tracks of the railroad not less than 24 feet in width, and over the switch track located easterly of the main tracks not less than 34 feet in width, and to reduce the grade of the highway on the westerly side of the crossing and to cause gates to be erected on each side thereof, the same to be operated continuously. A hearing on this application was held by the Commission at Buffalo on June 16, 1916, at which Charles B. Sears and LeRoy Kenefick appeared for both of the petitioners herein; and Mrs. Elizabeth Chase, an interested property owner, in person; at which time due proof of publication of notice of this hearing and of personal service of such notice on all interested parties as prescribed by statute was made. There was no serious opposition to the granting of the application, and the Commission has accordingly determined that public safety requires that the petition be granted. Therefore

Ordered: That the LeRoy-Alexander Road grade crossing of the New York, Lackawanna and Western railroad in the town of York, Livingston county, located immediately to the north of the Linwood station, be closed and discontinued, and that the travel be diverted therefrom to the Fowlerville-Pavilion Center road by means of a new highway to be constructed east of, parallel to, and immediately adjacent to the railroad company's right of way line: said highway to be 49½ feet wide, paved with gravel or macadam to a width of not less than 16 feet.

The Fowlerville-Pavilion Center road and the LeRoy-Alexander road at their intersection are to be re-graded and the grades at said intersection reduced, the work to be performed in such manner as to provide wide and easy turns, substantially as shown on a map hereinafter referred to.

The planking across the sidetrack is to be constructed to a width of not less than 34 feet. The planking across the two main line tracks is to be made of a width of not less than 24 feet, and gates shall be erected on each side of the crossing, the same to be operated continuously.

That part of the LeRoy-Alexander road embraced between the right of way lines of the railroad is to be closed and discontinued by the erection of fences or other barriers along said right of way lines. The location of the new highway and the portions of the existing highways to be re-graded as herein provided are shown upon a plan on file with this Commission introduced in the evidence as "Applicants Ex. No. 3," the map bearing the following title: "D., L. & W. R. R. Buffalo Division Map Showing Land to be Acquired for Proposed Change of Highway at Linwood Station Office of Division Engineer — March 8, 1916 Buffalo, N. Y. Scale 1" = 30'."

Further Ordered: That in pursuance of its consent and agreement as stated in the petition herein, The New York, Lackawanna and Western Railroad Company shall assume, pay, and discharge the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue hereof: this order being granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York or the Town of York on account of the acquisition of lands, rights, or easements necessary or required, the construction and work, or for any other incidental expenses herein authorized and provided for.

The acceptance of this order by The New York, Lackawanna and Western Railroad Company shall be deemed as an undertaking on its part to save the State of New York, this Commission, and the Town of York harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof.

[Case No. 5570]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

Petition of CHATHAM ELECTRIC LIGHT, HEAT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct extensions of its electric lines in Columbia county, and for approval of the exercise of rights and privileges under franchises received from towns.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Chatham Electric Light, Heat and Power Company for permission to construct in various towns in Columbia county electric plants and extensions of its lines, and for approval of the exercise of rights and privileges under franchises received from the towns; and public notice of the pendency of said petition having been published in various newspapers in the locality; and a public hearing on said petition, after due notice, having been held in Albany, at which Sanford W. Smith appeared for the company and no one else appeared, and no one having opposed this petition; and this Commission hereby determining from the papers and hearing that such construction and exercise of franchises are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Chatham Electric Light, Heat and Power Company in the portion of the town of

Chatham, Columbia county, in this sentence named, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Chatham Electric Light, Heat and Power Company of rights and privileges under a franchise to use the public streets, highways, and public places in all that portion of the town of Chatham lying south of and east of the Kinderhook creek, and also in all that territory, a part of the said town of Chatham, embraced within the limits of School District No. 11 of said town, as the said school district at this time is constituted, for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, received by Chatham Electric Light, Heat and Power Company from the town board of the Town of Chatham, Columbia county, and concurred in by the town superintendent of highways of said town, a copy of which franchise granted March 14, 1916, by the town board, certified by Harry M. Dardess, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case; there being also filed with the papers an original dated March 14, 1916, of the concurrence of the town superintendent of highways.

2. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Chatham Electric Light, Heat and Power Company in the town of Austerlitz, Columbia county, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Chatham Electric Light, Heat and Power Company of rights and privileges under a franchise to use all of the streets, highways, and public places of said town for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, received by Chatham Electric Light, Heat and Power Company from the town board of the Town of Austerlitz, Columbia county, and concurred in by the town superintendent of highways of said town, a copy of which franchise granted August 23, 1915, by the town board, certified by D. W. Lasher, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case; there being also filed with the papers an original dated March 15, 1916, of the concurrence of the town superintendent of highways.

3. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Chatham Electric Light, Heat and Power Company in the portion of the town of Claverack, Columbia county, in this sentence named, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Chatham Electric Light, Heat and Power Company of rights and privileges under a franchise to use the public streets, highways, and public places in that portion of the said town of Claverack between the unincorporated village or hamlet of Mellenville or the incorporated village of Philmont, or both, and the town boundary line at or near Tipple's Crossing, so called, for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, received by Chatham Electric Light, Heat and Power Company from the town board of the Town of Claverack, Columbia county, and concurred in by the town superintendent of highways of said town, a copy of which franchise granted December 4, 1915, by the town board, certified by Ward Magley, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case; there being also filed with the papers an original dated May 5, 1916, of the concurrence of the town superintendent of highways.

4. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Chatham Electric Light, Heat and Power Company in the town of Hillsdale, Columbia county, of an electric plant, including poles, wires, conduits, and appurtenances,

for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Chatham Electric Light, Heat and Power Company of rights and privileges under a franchise to use all of the streets, highways, and public places of said town for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, received by Chatham Electric Light, Heat and Power Company from the town board of the Town of Hillsdale, Columbia county, and concurred in by the town superintendent of highways of said town, a copy of which franchise granted October 18, 1915, by the town board, certified by Harry D. Cornell, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case; there being also filed with the papers an original dated April 10, 1916, of the concurrence of the town superintendent of highways.

5. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Chatham Electric Light, Heat, and Power Company in the portion of the town of Taghkanic, Columbia county, in this sentence named, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Chatham Electric Light, Heat and Power Company of rights and privileges under a franchise to use the public streets, highways, and public places in School District No. 1 of the town of Taghkanic, and joint School District No. 4 of the towns of Hillsdale and Taghkanic, for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, received by Chatham Electric Light, Heat and Power Company from the town board of the Town of Taghkanic, Columbia county, and concurred in by the town superintendent of highways of said town, a copy of which franchise granted November 6, 1915, by the town board, certified by A. P. Woodward, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case; there being also filed with the papers an original dated April 15, 1916, of the concurrence of the town superintendent of highways.

6. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Chatham Electric Light, Heat and Power Company in the town of Copake, Columbia county, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Chatham Electric Light, Heat and Power Company of rights and privileges under a franchise to use all of the streets, highways, and public places of said town for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, received by Chatham Electric Light, Heat, and Power Company from the town board of the Town of Copake, Columbia county, and concurred in by the town superintendent of highways of said town, a copy of which franchise granted October 18, 1915, by the town board, certified by S. A. McIntyre, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case; there being also filed with the papers an original dated April 8, 1916, of the concurrence of the town superintendent of highways.

7. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

538 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5599]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of WILLIAM J. CLARK and GEORGE KINNIEB, copartners, of Norwich, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Norwich, it being proposed that the route shall also be operated now from Norwich north to Sherburne, and later from Norwich south to Oxford.

William J. Clark and George Kinnier seek a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Norwich, it being proposed that the route shall be operated as a part of a line extending from the city of Norwich north to the incorporated village of Sherburne, and later as a part of a line extending also from the city of Norwich south to the village of Oxford. The consent of the common council of the City of Norwich was granted May 23rd, subject to certain terms and conditions, and approved by the mayor May 24, 1916. A public hearing was held in the city of Albany July 5, 1916, at which there was no appearance in opposition to the application. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by William J. Clark and George Kinnier of a stage route by auto busses as provided in the consents heretofore granted by the mayor and common council of the City of Norwich, copies whereof are attached to the petition herein, over and along North and South Broad streets and such adjoining streets as may be necessary for the carrying of passengers to and from Sherburne, N. Y., and to and from Oxford, N. Y., passing through the city of Norwich. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the City of Norwich, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 2485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to the elimination of a grade crossing on county highway No. 573, in the county of Monroe.

Upon the recommendation of The New York Central Railroad Company, as indicated by letter from the chief engineer dated June 23, 1916, for the approval of a revised general plan in the matter above entitled; and upon a similar request from the State Department of Highways through H. E. Breed,

first deputy commissioner, dated June 27, 1916, the revision consisting entirely of slight changes in grade of the county highway at the extreme ends of the approach grades to the undergrade crossing, said grade revisions being necessary on account of the grades established by the State Department of Highways exterior to these two points, it is

Ordered: That said revised general plan dated June 1, 1914, issue No. 5, be and is hereby approved.

[Case No. 277]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF WARSAW, Wyoming county, under section 62 (now section 91) of the Railroad Law for the elimination of a highway grade crossing of the Erie Railroad known as Clark's crossing, in said town.

Under this petition the Commission is asked to determine that public safety requires the abolition of a grade crossing, locally known as Clark's crossing, of the Erie railroad by a highway leading from the village of Warsaw to North Gainesville, the highway travel to be carried over the grade of the railroad by means of the construction of an overgrade crossing and approaches thereto. A hearing on this application was held by the Commission at Buffalo on June 30, 1916, at which W. S. Gouinlock, supervisor, and A. W. Fisher and H. R. Bristol, members of the Town Board of the Town of Warsaw; W. E. Webster, president of the Village of Warsaw; C. H. Greff and Elliott Smith, members of the Village Board of the Village of Warsaw; and T. H. Burgess, attorney for the Erie Railroad Company, appeared; at which time due proof of publication of the notice of this hearing and of personal service of such notice on all the interested property owners as prescribed by statute was made, and at which a general plan, marked "Respondent's Ex. No. 1," was presented by the Erie Railroad Company, showing a proposed method of elimination which met with the approval of the Erie Railroad Company and the representatives of the town board. This plan provides for the construction of an overgrade crossing at right angles to the railroad, located about 300 feet east of the existing grade crossing, and approaches on each side of the railroad connecting with the existing highway, and a private drive on the south side of the tracks leading to the property of Frank Wickwire. The Commission has determined that the petition be granted, and therefore

Ordered: That the grade crossing known as Clark's crossing of the Erie railroad in the town of Warsaw, Wyoming county, be closed and discontinued, and that travel be diverted therefrom to a new overgrade crossing to be constructed at a point about 300 feet easterly of the existing grade crossing, substantially in accordance with the plan heretofore referred to marked "Respondent's Ex. No. 1" and entitled "Erie R. R. Buffalo Division Proposed Overhead Crossing at Clark's Crossing Warsaw, N. Y. M. P. 372.21 Scales as shown Jan. 26, 1916 Office of Assistant Engineer."

The structure carrying the highway over the railroad shall be of steel, in three spans, with a total length of approximately 94 feet, with its axis at right angles to the alignment of the railroad tracks. The bridge is to have a solid floor, the roadway thereon to be 18 feet clear in width, paved with waterbound macadam about 6 inches thick. The approaches are to be built to a width of not less than 24 feet, and railings are to be constructed thereon

at all points where the embankment is 2 feet or more in height; the distance between railings to be not less than 22 feet. The pavement on the approaches is to be of gravel laid to a depth of about 6 inches and a width of 14 feet.

The alignment of the center line of the revised highway shall be as follows: Beginning at a point in the center line of the existing highway about 300 feet northerly from the center of the existing grade crossing, measured along the existing highway, thence curving to the left (easterly) on a radius of about 115 feet a distance of about 90 feet; thence tangent to the above named curve a distance of about 220 feet; thence curving to the right on a radius of 100 feet a distance of about 115 feet; thence tangent across the railroad tracks to a junction with the existing highway on the south side of the tracks.

Beginning at the point of diversion on the north side of the railroad, the grade on the revised highway shall ascend at the rate of 10 per cent to the bridge; thence continuing to ascend on the northerly span at the rate of about 4 per cent; thence level across the center span; thence descending on the southerly span and southerly approach at the rate of about 3.76 per cent to an intersection with the existing highway surface on the south side of the tracks.

The necessary grading shall be performed to connect with the existing highway for the purpose of forming a connection with the private driveway now leading westerly from the existing grade crossing.

The grade crossing and the approaches thereto shall be left open and maintained until the completion and approval by this Commission of the work herein ordered, after which the grade crossing shall be closed by the construction of fences or other barriers across the highway.

In this order the railroad is assumed to be located in an easterly and westerly direction.

[Case No. 277]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF WARSAW, Wyoming county, under section 62 (now section 91) of the Railroad Law for the elimination of a highway grade crossing of the Erie railroad known as Clark's crossing, in said town.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". The Commission having by and under its order duly made and entered in the matter first above entitled on July 11, 1916, determined and directed that the present grade crossing known as Clark's crossing of the Erie railroad, in the town of Warsaw, Wyoming county, shall be closed and discontinued, and that the highway traffic at the point herein mentioned shall be diverted to an overgrade crossing to be constructed according to certain plans approved by this Commission and under its direction; and the total cost of such elimination and change having been estimated at the sum of \$16,000, of which total cost the share of the State

of New York as fixed by statute would be the sum of \$4000; now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$326,000), there shall now be segregated and set apart to the credit of grade crossing case No. 277 above entitled the sum of \$4000 to meet the State's share of the cost of elimination in said case, as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 5466]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the incorporated village of Skaneateles, Onondaga county, poles, wires, and appurtenances for transmitting and furnishing electricity to the village power station alone; and for approval of the exercise of a franchise received from the village.

April 6, 1916, an order was made herein by which it was sought to approve the commencement of construction of a transmission line into the village of Skaneateles, to the sub-station of the municipal electric plant, for the purpose of furnishing current to the village power station alone; and to approve the exercise of a franchise therefor granted by the village board March 2, 1916. A change having been made in the route of the said transmission line necessitating the use of other streets in said village, and the board of trustees of said Village of Skaneateles having amended the said franchise under date of May 29, 1916; and an application having been made to this Commission under date of June 8, 1916, asking for permission to construct under said amended franchise, and approval thereof, a public hearing thereon was held in the city of Auburn July 7, 1916, at which no one appeared in opposition to the application. It appearing that the use of the streets named in the amended franchise is necessary for the construction of said transmission line, the ordering part of the order of this Commission dated April 6, 1916, is hereby amended to read as follows:

It is determined and stated that the construction of said plant and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Niagara, Lockport and Ontario Power Company, under section 68 of the Public Service Commissions Law, to construct, maintain, and operate the necessary poles, wires, cables, appliances, and structures in, through, upon, and across the following highways at approximately the points hereinafter mentioned, not for the purpose of furnishing light or power within the village

of Skaneateles but for the sole purpose of transmitting electric power to the village power station for delivery and sale to the Village of Skaneateles itself for its municipal plant:

Franchise of March 2, 1916: Across Elizabeth street near its intersection with Griffin street; across Griffin street at its north end near its intersection with Elizabeth street, and along the easterly side of Griffin street from its intersection with said Elizabeth street to a point just south of the north line of the property of Joseph and Anita Murray; across Kelly street just southwest of the southeasterly line of Skaneateles outlet.

Franchise of May 29, 1916: Across Elizabeth street near the division line between William H. Harris and Francis Dickinson; along and across Griffin street at any points between Elizabeth and Hannum streets; along and across Hannum street at any points between Griffin street and the southeasterly line of property owned by the Skaneateles Creamery Company.

2. That the permission and approval of the Commission be given to said Niagara, Lockport and Ontario Power Company to exercise the rights and privileges conferred by said franchise granted by the village board of the Village of Skaneateles March 2, 1916, and May 29, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5546]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the WALLKILL VALLEY ELECTRIC LIGHT AND POWER COMPANY under sections 68 and 69 of the Public Service Commissions Law for permission to construct electric lines in the unincorporated village of Pine Bush, in the town of Crawford, Orange county; and for authority to issue capital stock.

By petition herein dated April 10, 1916, the Wallkill Valley Electric Light and Power Company prays for permission to exercise a franchise granted by the town board of the Town of Crawford for authority to construct an electric lighting system in the village of Pine Bush, N. Y., and for authority to issue sufficient stock to enable it to finance such construction. By letter dated June 24, 1916, the attorney for the petitioner requests that that portion of the application which asks for authority to issue capital stock be dismissed. A communication addressed the company on July 1, 1916, directed, for reasons stated therein, that this case be closed and a new application be filed with reference to the other relief petitioned for in the application herein dated April 10, 1916. Now therefore, upon the foregoing record,

Ordered: That the application herein of the Wallkill Valley Electric Light and Power Company dated April 10, 1916, is hereby dismissed.

[Case No. 5561]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1916.**Present:**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the LONG ISLAND
LIGHTING COMPANY under section 69 of the Public
Service Commissions Law for authority to issue
\$92,000 in 5 per cent 25-year first mortgage gold
bonds under an existing mortgage, and \$80,000 addi-
tional common capital stock.

Petition filed May 15, 1916; report of electrical engineer dated June 21,
1916; memorandum of division of capitalization dated July 5, 1916. Now
therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby
authorized to issue \$92,000 face value of its 5 per cent twenty-five year first
mortgage sinking fund gold bonds under a certain indenture dated March
1, 1911, given to the Mercantile Trust Company as trustee, to secure an
authorized issue of a total face value of \$6,000,000.

2. That the Long Island Lighting Company is hereby authorized to issue
\$80,000 par value of its common capital stock which shall be sold at a
price not less than the par value thereof, to give net proceeds of at least
\$80,000.

3. That said bonds of the total face value of \$92,000 shall be sold for not
less than 92 per cent of their face value and accrued interest, to give net
proceeds of at least \$84,640.

4. That said securities of the total face and par value of \$172,000 so
authorized, or the proceeds thereof to the amount of \$164,640, shall be
used solely and exclusively for the following purposes:

(a) For additions and improvements:

1. Northport station	\$104,086.51
2. Northport district, including four miles of distribution main circuit, etc.....	10,528.49
3. Sayville district, including four miles of distribution main circuit, etc.....	10,020.00

as detailed in Exhibit 1 of the petition herein..... \$124,640.00

(b) Working capital 40,000.00

\$164,640.00

in so far as the same may be applicable, provided (1) that such stock and
bonds or the proceeds thereof shall be applied on such new construction
summarized in subdivision (a) hereof only in so far as the same is a real
increase in the fixed capital of the petitioner and not a replacement of any
part of such fixed capital or substitution for wasted capital or other loss
properly chargeable to income, in accordance with the definitions contained
in the Uniform System of Accounts for Electrical Corporations adopted by
this Commission; (2) that there shall be no charges to fixed capital on
account of engineering services in connection with such construction unless
such engineering services shall have been rendered either by other than the
regular officers and employees of the corporation, or in a proper case where
such services may have been rendered by certain of such officers or employees
under an express assignment to such construction or improvement work;
(3) that if there shall be required for the aforesaid purposes subject to the
limitations herein contained a sum less than an amount equal to the face
and par value of the stock and bonds herein authorized, no portion of the

proceeds of the stock and bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that such working capital shall not be disturbed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business; (5) that the proceeds realized from the sale of stock and bonds herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of stock and bond proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of stock and bonds are authorized.

5. That if the said securities of a total face and par value of \$172,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$164,640, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

7. That the Long Island Lighting Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purposes specified herein during such periods, and stating to what account or accounts such expenditures have been charged; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of securities herein authorized to the beginning of the period reported on and a total showing the expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5588]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of BOQUET ELECTRIC
POWER COMPANY under section 69, Public Service
Commissions Law, for authority to issue \$4000 pre-
ferred capital stock.

Petition filed June 3, 1916; certificate of increase of capital stock filed
June 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Boquet Electric Power Company is hereby
authorized to issue \$4000 par value of its common capital stock which shall
be sold at a price not less than the par value thereof, to give net proceeds of
at least \$4000.

2. That said stock of the par value of \$4000 so authorized, or the proceeds
thereof to the amount of \$4000, shall be used solely and exclusively for the
following purposes: (a) To discharge 6 per cent mortgage given to Mabel
S. Sheldon, due February 24, 1917, \$1000; (b) to discharge 6 per cent mort-
gage given to Wm. S. Stratton, due October 7, 1916, \$3000: \$4000.

3. That the Boquet Electric Power Company shall for each six months'
period ending December 31st and June 30th file, not more than thirty days
from the end of such period, a verified report showing (a) what stock has
been sold or otherwise disposed of during such period in accordance with
the authority contained herein and the date of such sale or disposition; (b)
to whom such stock was sold; (c) what proceeds were realized from such
sale; (d) any other terms and conditions of such sale; (e) the amount
expended of the proceeds for each of the purposes specified herein during such
period and stating to what account or accounts such expenditures have been
charged. Such reports shall continue to be filed until all of said stock shall
have been sold or disposed of and the proceeds expended in accordance with
the authority contained herein, and if during any period no stock was sold
or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order
advise this Commission whether or not it accepts the same with all its terms
and conditions.

Finally, it is determined and stated that in the opinion of this Commission
the money to be procured by the issue of said stock herein authorized is
reasonably required for the purposes specified in this order, and that such
purposes are not in whole or in part reasonably chargeable to operating
expenses or to income.

546 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5595]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of EMPIRE COKE COMPANY under section 69, Public Service Commissions Law, for authority to issue \$90,000 in preferred capital stock; and under section 70, Public Service Commissions Law, for authority to acquire \$93,700 capital stock of the Seneca Power Corporation.

Petition filed June 10, 1916.

Ordered as follows: 1. That the Empire Coke Company is hereby authorized to acquire and hold \$93,700 par value of the common capital stock of the Seneca Power Corporation, provided however that the cost to it of such stock shall not be in excess of the par value thereof acquired.

2. That the Empire Coke Company is hereby authorized to issue \$90,000 par value of its preferred capital stock, which shall be used either for the purpose of even exchange on the basis of par for par for the common capital stock of the Seneca Power Corporation, or for sale at not less than its par value, the proceeds of which sales shall be used solely and exclusively for the purchase of the common capital stock of the Seneca Power Corporation at its par value.

3. That the Empire Coke Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been exchanged or sold during such period in accordance with the authority contained herein and the dates of such exchanges or sales; (b) with whom or to whom such stock was exchanged or sold; (c) what proceeds were realized from such sales; (d) full particulars of the use made of such stock if exchanged, or full particulars of the use made of the proceeds of all sales of such stock; (e) any other terms and conditions of such exchanges and sales. Such reports shall continue to be filed until all of said stock herein authorized shall have been exchanged or sold and the proceeds thereof disposed of in accordance with the authority contained herein, and if during any period no stock was exchanged or sold or proceeds thereof expended the report shall set forth such fact.

4. That the Empire Coke Company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the capital stock herein authorized to be issued and sold is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5817]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of Petition of INTERNATIONAL RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,175,000 in 5 per cent bonds under its refunding and improvement mortgage.

Petition filed June 26, 1916; report of division of steam railroads dated June 29, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the International Railway Company is hereby authorized to issue \$1,175,000 face value of its 5 per cent 50-year refunding and improvement mortgage gold bonds under a certain indenture dated November 1, 1912, given to the Bankers Trust Company as trustee, to secure an authorized issue of a total face value of \$60,000,000.

2. That said bonds of the total face value of \$1,175,000 shall be sold for not less than 89 per cent of their face value and accrued interest, to give net proceeds of \$1,045,750.

3. That said bonds of the face value of \$1,175,000 so authorized, or the proceeds thereof to the amount of \$1,045,750, shall be used solely and exclusively for the additional expenditures on the new extension of the railroad of the petitioner from Buffalo to Niagara Falls which aggregate \$1,177,151, as detailed in exhibit A attached to the petition filed herein June 26, 1916; or in the event of any necessary change or changes in the present plans of the petitioner for expenditures on account of such extension other than those listed in such schedule which are properly capitalizable, in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the proceeds realized from the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the proceeds realized from the sale of bonds herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of bond proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of bonds are authorized.

4. That if the said bonds of a total face value of \$1,175,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,177,151, no portion of the proceeds of such sale

in excess of the last aforesaid sum shall be used for any purpose without an express order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the International Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the International Railway Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such periods and stating to what account or accounts such expenditures have been charged; (f) a summary showing the distribution by prescribed accounts of the expenditures during such period. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing the expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4883]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the EMPIRE GAS AND ELECTRIC COMPANY and the EMPIRE COKE COMPANY for authority under section 69 of the Public Service Commissions Law to issue \$72,000 of their joint first mortgage 5 per cent gold bonds.

Petition filed February 23, 1915; report of electrical engineer dated April 23, 1915; report of gas engineer dated April 30, 1915; order entered September 14, 1915; supplemental petition filed January 27, 1916; report of electrical engineer dated March 24, 1916; report of gas engineer dated May

10, 1916. By order entered herein September 14, 1915, the Empire Gas and Electric Company was authorized to issue and sell, at not less than 85 per cent of their face value, \$72,000 face value of its 5 per cent thirty-year joint first and refunding mortgage gold bonds, and to use the proceeds realized from the sale thereof for new construction as detailed in schedule A attached to the petition filed February 23, 1915. From verified reports filed in accordance with the requirements of such order, it appears that all of the bonds so authorized have been sold: \$52,000 at 86 per cent of their face value, and \$20,000 at 90 per cent of their face value, and net proceeds of \$62,720 have been realized. The petitioner has, however, reported expenditures in some instances for more and others for less than the amounts specifically authorized in such order; and by supplemental petition filed January 27, 1916, asks for a redistribution of the purposes for which the security proceeds were authorized to agree with the actual expenditures. The supplemental petition has been referred to the electrical and gas engineers of the Commission, who in their reports dated March 24 and May 10, 1916, respectively, recommend that the desired authority be granted. Now therefore, upon the foregoing record,

Ordered: 1. That ordering clauses Nos. 2 and 3 of the order heretofore entered herein on the 14th day of September, 1915, are hereby modified and amended by the substitution therefor of the following:

2. That of the bonds of the total face value of \$72,000 so authorized, \$52,000 thereof shall be sold at 86 per cent of their face value and accrued interest, and \$20,000 at 90 per cent of their face value and accrued interest, to give net proceeds of \$62,720.

3. That said bonds of the face value of \$72,000 so authorized, or the proceeds thereof to the amount of \$62,720, shall be used solely and exclusively for new construction summarized as follows:

<i>Electric Department:</i>	
Land devoted to electric operations.....	\$266.92
General structures	1,613.76
General equipment	4,691.60
Power plant buildings.....	763.01
Furnaces, boilers, and accessories.....	152.88
Electric generators	36.66
Accessory electric power equipment.....	307.35
Miscellaneous power plant equipment.....	80.55
Substation buildings	135.08
Substation equipment	916.12
Poles and fixtures.....	2,895.70
Underground conduits	217.92
Transmission system	6,954.51
Distribution system (overhead).....	4,564.68
Distribution system (underground).....	6,130.53
Line transformers and devices.....	7,267.96
Electric services	2,368.96
Electric meters	2,638.15
Electric meter installation.....	85.78
Municipal street lighting system.....	3,007.04
Electric laboratory equipment.....	71.08
	<hr/>
	\$45,116.19
<i>Gas Department:</i>	
General structures	\$13,503.79
General store equipment.....	75.46
Works and station structures.....	150.60
Holders	111.39
Accessory equipment at works.....	960.32
Trunk lines and mains.....	20,401.88
Gas services	3,677.66
Gas meters	4,051.64
Gas meter installation.....	66.09
Gas tools and implements.....	4.48
Gas laboratory equipment.....	184.26
District steam heating.....	3,859.20
	<hr/>
	46,996.72
	<hr/>
	\$92,112.91
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Amount unprovided for	\$29,392.91

in so far as the same may be applicable, provided (a) that such bonds or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted

capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical and Gas Corporations adopted by this Commission; (b) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (c) that there shall be no charges to fixed capital on account of services, engineering, supervision, or other items of like nature, in connection with such construction, except in so far as the same shall be performed by other than the regular officers and employees of the company, or by such officers and employees who have been especially assigned to such construction work. No allowance is included herein, nor shall the proceeds herein authorized be expended, for incidental services of the officers and employees of the petitioner, nor for the payment of any arbitrary percentage of operating expenses or income charges to cover the petitioner's estimate of the elements of the cost of such projects not charged originally to fixed capital, but made to operating expenses as had been its custom to December 31, 1913, and to that date allowed by this Commission on the express condition that the petitioner discontinue the making of such charges since that date and base fixed capital charges only on direct costs properly substantiated; (d) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission.

Finally, it is determined and stated that in the opinion of this Commission the use of the proceeds of bonds heretofore authorized and partly issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of proposed new passenger fares by various common carriers subject to the jurisdiction of this Commission.

Certain tariffs having been filed herein by The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company, respectively; which said tariffs were suspended until July 15, 1916, by order of this Commission of June 30th last; it is

Ordered: That the operation of said tariffs referred to and particularly described in the preceding paragraph hereof be and the same is further suspended and the use of the fares and charges in said paragraphs mentioned and provided is further deferred upon traffic subject to the jurisdiction of the Public Service Commission, Second District, until the 1st day of August, 1916, unless otherwise ordered by this Commission.

It is further Ordered: That a copy of this order shall be filed with each of said tariffs in the office of this Commission, and that copies hereof be forthwith served upon the respondents particularly above mentioned.

It is further Ordered: That upon receipt of this order by said last above mentioned respondents, they or their duly authorized agents shall respectively publish and file with the Commission proper tariff amendment containing notice of this order of suspension and stating that said tariff or tariffs are under suspension as to New York state traffic which is subject to the jurisdiction of the Public Service Commission, Second District, and may not be applied or charged until further notice, or until August 1, 1916; such tariff amendments to also refer by P. S. C., 2 N. Y., number or numbers to the tariff or tariffs in which fares or charges effective during the period of further suspension may be found. The title page of every such tariff amendment shall show issued date July 15, 1916, and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date July 13, 1916, in case No. 5345".

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the proposed new passenger fares by various common carriers subject to the jurisdiction of this Commission.

It is

Ordered: That the order of the Commission in this case under date of June 30th last shall be and the same hereby is modified to read as follows:

"Ordered: That The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company, respectively, be and they severally are hereby directed to cancel on or before August 1, 1916, the tariffs containing schedules of individual and joint fares and charges for transportation within the State of New York over the lines of the said The New York Central Railroad Company, the West Shore Railroad Company, and the Boston and Albany Railroad Company, respectively, heretofore filed with this Commission and proposed to become effective on the 1st day of January, 1916, and all of which said schedules are now under suspension until August 1, 1916, by order of this Commission."

552 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5581]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of SILVER CREEK ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$7000 in 5 per cent 40-year gold bonds under an existing first mortgage for \$150,000.

Petition filed May 26, 1916; report of electrical engineer dated June 29, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Silver Creek Electric Company is hereby authorized to issue \$7000 face value of its 5 per cent 40-year first mortgage gold bonds under a certain indenture dated May 1, 1916, given to The Fidelity Trust Company of Buffalo as trustee, to secure an authorized issue of a total face value of \$150,000.

2. That said bonds of the total face value of \$7000 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of at least \$5600.

3. That said bonds of the face value of \$7000 so authorized, or the proceeds thereof to the amount of \$5600, shall be used solely and exclusively for the construction of a street lighting system in the village of Silver Creek, N. Y., as detailed in exhibit A of the petition herein, \$7008.12; amount unprovided for \$1408.12; in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers and employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations; (5) that the proceeds realized from the sale of bonds herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of bond proceeds from the company's other cash, so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of bonds are authorized.

4. That if the said bonds of a total face value of \$7000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$7008.12, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Silver Creek Electric Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

6. That the Silver Creek Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged; (f) a summary showing expenditures during such period by the prescribed accounts. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported on and a total showing the expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5601]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of FRANCIS CALLAHAN under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Auburn, it being proposed that the route shall also be operated between Auburn and the hamlet of King Ferry, Cayuga county.

Francis Callahan asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Auburn as a part of

a route to be operated between Auburn and the hamlet of King Ferry, Cayuga county. The consent of the common council of the City of Auburn was granted June 6, 1916, and approved by the mayor June 7, 1916. A public hearing was held in the city of Auburn on July 7, 1916, at which there was an appearance on behalf of the Auburn and Syracuse Railroad Company, which objected to the granting of the certificate if the result would be to establish competition with said railroad company within the city of Auburn. The applicant stipulated on the hearing that he would not operate more than two trips each way per day without the consent of the Public Service Commission, and this stipulation was accepted by the railroad company. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Francis Callahan of an auto bus route as provided in the consents heretofore granted by the mayor and common council of the City of Auburn, copies whereof are attached to the petition herein, over that portion of South street in the city of Auburn lying between the south corporation line and the junction of said South street with Exchange street in said city, and over said Exchange street from its said junction with said South street to a point approximately three rods distant from the junction of said Exchange street with Genesee street in said city; to be operated only as a part of a line from said city of Auburn to the hamlet of King Ferry. This certificate is granted subject to the stipulation aforesaid and to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the City of Auburn, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Proposals of contractors for the embankment, masonry, bridge floor, sewer, paving, and other work not included in the contract for the manufacture and delivery of the superstructure heretofore approved and awarded to the American Bridge Company having been submitted to this Commission in the matter above entitled, and the Peckham Construction Company, a newly organized company, having submitted the lowest proposal, computed at \$122,282.95, for the work to be performed under this contract, the next lowest bid being that of W. H. Gahagan; and The Delaware, Lackawanna and

Western Railroad Company having recommended that the contract be let to W. H. Gahagan: the Lehigh Valley Railroad Company and the Erie Railroad Company, as shown by letters on file with this Commission, having similarly recommended such action, the Commission, after an investigation and careful consideration of the subject, and particularly because of the facts stated and set forth in a memorandum prepared for the use of the Commission herein by the engineer of grade crossings under date of July 18, 1916, and filed and made a part of the record in this case, has concluded to approve the award of the contract to W. H. Gahagan.

Ordered: That the unit price proposal submitted by W. H. Gahagan for the embankment, masonry, bridge floor, sewer, blast plates, paving, and other work, the unit prices together with the various classes of work covered thereby being shown on canvass sheet of bids on file with this Commission, be and is hereby approved.

[Case No. 2937]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition under section 91 of the Railroad Law by the STATE COMMISSION OF HIGHWAYS for the elimination of a grade crossing on a highway known as the Gowanda Village highway by the Erie railroad, in the village of Gowanda, Erie county.

Ordered: 1. That an accounting entered into by the Erie Railroad Company with the State Commission of Highways showing expenditures to an amount of \$14,124.93, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and is hereby approved; of which said amount the sum of \$12,430.55 has been expended by the railroad corporation and the sum of \$1694.38 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways, and by the County of Erie as indicated by letter dated July 13, 1916, from the county engineer.

2. That of the total amount of \$14,124.93 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$7062.47, the share of the County of Erie is the sum of \$2471.86, and the share of the State of New York is the sum of \$4590.60, upon which it is entitled to a credit of \$1694.38 expended by it as aforesaid, leaving as a balance and now due and payable by said State of New York to said Erie Railroad Company from funds appropriated for the improvement of highways the sum of \$2896.22.

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[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon a portfolio of detail plans and specifications covering the construction of a reinforced concrete arch viaduct in Spring street and approaches thereto on Canal and Lake streets, pursuant to a determination of the Commission in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signatures on said plans and specifications of the Mayor of the City of Ogdensburg, it is

Ordered: That this portfolio of detail plans and specifications be and is hereby approved by this Commission.

Further Ordered: That as recommended by The New York Central Railroad Company and the City of Ogdensburg as shown by the respective signatures of the chief engineer and the mayor, the lump sum proposal of the Mecca Construction Company of \$36,975.79 for the concrete steel viaduct complete, and the unit prices quoted by this Construction company for work other than that necessary for the construction of said viaduct, all as shown on canvass sheet of bids on file with this Commission, be and are hereby approved.

[Case No. 4970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the NASSAU AND SUFFOLK LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue additional first mortgage bonds.

It appearing to the satisfaction of the Commission that the Nassau and Suffolk Lighting Company has unreasonably failed and neglected, and fails and neglects, to comply with that particular requirement of the order of the Commission in this case duly made and entered on or about June 15, 1916, which is found in ordering clause No. 3 of said order and is in the following terms, viz.:

3. That the Nassau and Suffolk Lighting Company shall within twenty days after the receipt of this order file the report required herein of the sale of securities and disposition of the proceeds thereof during the period from December 1, 1915, to May 31, 1916, and shall within ten days after the first of each of the calendar months after the date of this order file for the preceding month a report verified

by its president and its principal accounting officer showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during the period covered by each of such reports respectively of the proceeds of securities herein authorized; and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged, and giving all the details of any credits to fixed capital in connection with such expenditures, which aforesaid detail of expenditures of proceeds shall include verified copies of all vouchers, with supporting invoices, payrolls, material warrants, and all other evidences of the actual disbursements of such proceeds, including verified copies of journal entries with a full explanation of the necessity therefor, reflecting and affecting the disbursements of the proceeds of the aforesaid securities. In reporting under subdivisions (b) and (c) of this clause there shall be further shown expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

And it further appearing that the report of the sale of securities and disposition of proceeds, etc., from December 1, 1915, to May 31, 1916, as required by the ordering clause last above mentioned, should have been filed with this Commission not later than July 7th last, and that similarly a like report for the month of June, 1916, should have been filed not later than July 10th last, and that neither of such reports has been filed with this Commission,

Ordered: That the Nassau and Suffolk Lighting Company show cause before this Commission at its office, No. 58 North Pearl street, in the city of Albany, on the 25th day of July, 1916, at 12 o'clock noon, why the aforesaid order of the Commission in this case under date of June 15, 1916; shall not be revoked.

[Case No. 5009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of the CHAMBER OF COMMERCE OF THE CITY OF NEWBURGH *against* ERIE RAILROAD COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY as to refusal to make a switching charge from the West Shore railroad at spur at West Newburgh.

Petition of ERIE RAILROAD COMPANY for rehearing and vacation of order.

This Commission having duly made and entered its order herein under date of March 23, 1916; and thereafter the respondent, the Erie Railroad Company, having petitioned this Commission that a rehearing be granted and that the aforesaid order of the Commission herein may be vacated, which application was set for argument at the office of the Commission in the city of Albany, N. Y., on April 27th last, at which time and place appeared M. B. Pierce for the Erie Railroad Company; John N. Sternhagen and William S. Kallman for The New York Central Railroad Company; Scott and Snead for the Chamber of Commerce of the City of Newburgh; the Dupont Fabrikoid Company by Harry J. Haon; and the Newburgh Lumber Company by Samuel L. Stewart; and argument having been made, and thereafter affidavits and briefs having been filed; now, after due consideration had, it is

Ordered: That the application for a rehearing and for vacation of the order of the Commission herein be and the same hereby is denied.

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[Case No. 5116]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the CENTRAL NEW
ENGLAND RAILWAY COMPANY under section 91 of the
Railroad Law as to changes in existing bridges
carrying North street and North Clinton street over
said company's railroad in the city of Poughkeepsie.

The Central New England Railway Company having submitted the original
and a canvass sheet of bids for the work required to be performed to carry
out the Commission's order herein, and requested that this Commission
approve the proposal of C. A. Sibley, the lowest bidder; and a similar request
for such approval having been made by the City of Poughkeepsie by its city
engineer and superintendent of public works, it is

Ordered: That the unit price proposal submitted by C. A. Sibley, as shown
upon said canvass sheet of bids, be and the same is hereby approved by this
Commission.

[Case No. 5279]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of SANFORD DEWOLF
against ALDEN-BATAVIA NATURAL GAS COMPANY,
asking that natural gas be furnished his residence
on Walnut street.

In this case an order was duly made by the Commission on the 21st day
of June, 1916, whereby the case was reopened and a further hearing appointed
to be held in the city of Batavia on the 5th day of July, 1916, at 10:30 a. m.,
to enable either party to present further proof concerning any of the ques-
tions involved in this case, and particularly such questions as were deter-
mined by a previous order of the Commission dated February 8, 1916, which
recited the fact that upon certain terms and conditions the respondent, Alden-
Batavia Natural Gas Company, was to make an extension of its natural gas
main and service to the premises of the complainant, a distance of between
four hundred and five hundred feet. And on said rehearing, which was held
by the Commission on the 5th day of July, 1916, at the time and place above
mentioned, the said complainant duly appeared in person and by Mr. E. A.
Judd of Batavia of counsel; and Mr. C. E. Hill of Batavia, superintendent of
the respondent, with Mr. B. J. Stedman of Batavia, counsel for said respon-
dent, having also duly appeared; and after considerable discussion relating to
the ability of the respondent to guarantee a stable supply of natural gas
during the cold winter months, the complainant announced that he would
drop the case and not seek to require the company to make such extension.
It is therefore

Ordered: That the order of this Commission dated February 8, 1916, which approved of an agreement for such extension made between the parties, be and the same hereby is vacated and set aside, and the complaint in this case is hereby dismissed.

[Case No. 5484]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of FIVE RESIDENTS OR OWNERS OF PROPERTY ON MILL STREET in the hamlet of Collins, Erie county, and on a street running east from Mill street, *against* BORO OIL AND GAS COMPANY, asking that said company extend its natural gas mains from present terminus in Mill street to end of the other street.

This case comes to the Commission upon the complaint of several residents and owners of property in the hamlet of Collins, Erie county, asking that an extension of the mains and natural gas service of the Boro Oil and Gas Company be made to the residences of said complainants; the answer of the company sets up the claim that the service is limited to the sum of twenty-five cents per thousand cubic feet in the franchise granted by the town authorities of said town, and that the respondent has refused to make such extension of mains and service because it would be a non-paying venture for the company; a hearing was held by the Commission in the city of Buffalo on the 12th day of June, 1916, at which hearing Mr. Fred J. Blackmon of Gowanda appeared as the attorney for the complainants, several of whom also appeared in person; and Mr. Michael McIntyre and Mr. Ward J. Wilber, both of Gowanda, the former being president of the respondent and the latter being its attorney, having also appeared; and after taking certain proofs in this case, some discussion was had between the parties as to the reasonableness of such extension in view of the great restriction put upon the company in said town. Finally, it was arranged that both complainants and respondents would go to the town board and ask for a change in the amount of said gas rate, and request that the rate be fixed at thirty cents per thousand cubic feet, and the case was adjourned until July 3, 1916, on which latter date there were no other appearances before the Commission except Mr. Michael McIntyre, president of the respondent, who announced to the Commission that the town board had removed such rate restriction and authorized a charge of thirty cents per thousand cubic feet, and that his company had made the extensions requested in this case. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

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[Case No. 5542]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of North Collins, Erie county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 29th day of April, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, for transmitting and furnishing electricity in the town of North Collins, Erie county; and for approval of the exercise of a franchise to use streets, highways, and public places therefor received from the town board and superintendent of highways of the said town, and dated March 30, 1916. Thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 18th day of May, 1916; and proof of the publication of said notice having been duly filed, and a hearing having been duly held herein by the Commission in the city of Buffalo on the 30th day of June, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, of Buffalo, appeared as attorney for the petitioner; and Mr. E. C. Lawton of Buffalo also appeared on behalf of the State Commission of Highways; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electric distribution plant in accordance with the said franchise therefor received from the authorities of the Town of North Collins, and to construct, maintain, and operate all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said town of North Collins, Erie county, for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of North Collins and the inhabitants thereof. And the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to Niagara and Erie Power Company to construct, maintain, and operate the said electric plant and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said town of North Collins for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of North Collins and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and superintendent of highways of the Town of North Collins on the 30th day of March, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5543]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the incorporated village of North Collins, Erie county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the village.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 29th day of April, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, for transmitting and furnishing electricity in the village of North Collins, Erie county; and for approval of the exercise of a franchise to use streets, highways, and public places therefor received from the president and board of trustees of said village, and dated February 26, 1915. Thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 18th day of May, 1916; and proof of the publication of said notice having been duly filed, and a hearing having been duly held herein by the Commission in the city of Buffalo on the 30th day of June, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, of Buffalo, appeared as attorney for the petitioner; and Mr. E. C. Lawton of Buffalo also appeared on behalf of the State Commission of Highways; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electric distribution plant in accordance with the said franchise therefor received from the authorities of the Village of North Collins, and to construct, maintain, and operate all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said village of North Collins, Erie county, for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said village of North Collins and the inhabitants thereof. And the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction

of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to Niagara and Erie Power Company to construct, maintain, and operate the said electric plant and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said village of North Collins for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said village of North Collins and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by the said franchise so granted by the said president and board of trustees of the Village of North Collins on the 26th day of February, 1915, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5606]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF HUME, Allegany county, *against* THE WELLSVILLE AND BUFFALO RAILROAD CORPORATION, asking that the name of the Hume station on said company's railroad be changed to some other name.

In this matter the company having changed the name of the station to Higgins, and representative of complainants having informed the Commission that this satisfies the complaint, it is

Ordered: That this complaint is hereby closed on the records of the Commission.

[Case No. 5610]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of FRED SPRAGUE and JAMESTOWN LIGHTING AND POWER COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer from Sprague to the company of the works and system of an electric plant in Falconer.

The petitioners in this case filed their petition with the Commission on the 15th day of June, 1916, asking for permission, the petitioner, Fred Sprague, to sell his entire electric lighting system located in the village of Falconer, and consisting of a distribution system, works, lines, wires, poles, transformers, and leaders, and also all franchises, property, and equipment connected with said system, to the petitioner, Jamestown Lighting and Power Company. And a notice having been duly published, pursuant to an order of this Commission, in *Jamestown Evening Journal*, the *Jamestown Evening News*, and the *Jamestown Morning Post*, that a hearing on said petition would be held by the Commission at its office in the city of Buffalo on the 8th day of July, 1916, at 11 o'clock a. m., at which time and place the said hearing was held; and at which said hearing Mr. Clifford J. Lipp, secretary and treasurer of the Jamestown Lighting and Power Company, appeared on behalf of said petitioners; and there being no other appearance on behalf of any party; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner, Fred Sprague, is an individual who for some years has maintained and operated an electric lighting works and system in the village of Falconer under and pursuant to a franchise heretofore lawfully granted to him for that purpose; that he has no generating plant, but has purchased electric power from the petitioner, Jamestown Lighting and Power Company, which generates its own power and has delivered such power to said Sprague from its transmission and distribution lines in the said village of Falconer; that the said works and system of said Sprague are reasonably worth the sum of \$8995, for which he is willing to sell the same to the said Jamestown Lighting and Power Company, and the latter is willing to pay that sum therefor; that recently this Commission approved of the operation of a franchise granted to the said petitioner, Jamestown Lighting and Power Company, by the village authorities of Falconer for the purpose of furnishing light, heat, and power to the said village and its inhabitants, and it was then contemplated that the said company was about to take over the works and system of said Sprague so that there would be no undue competition for the limited amount of business in said village between the two petitioners herein; that the petitioner, Jamestown Lighting and Power Company, is a domestic corporation and is now operating its electric plant and plants in the city of Jamestown and other municipalities adjacent to said city, including that portion of the town of Busti between the city of Jamestown and the village of Falconer, which is not more than three miles in extent; and it being deemed advantageous to said company to continue its service into the said village of Falconer; it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioners herein, the said Fred Sprague to sell, transfer, and deliver to the said, said Jamestown Lighting and Power Company, and for the latter to purchase and pay the sum of \$8995 for all the distribution system, works,

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lines, wires, poles, transformers, leaders, franchises, and all other property and equipment belonging to or connected with the electric lighting plant of the said Fred Sprague in the said village of Falconer.

2. That the said Fred Sprague is hereby authorized to make, execute, and deliver to the said Jamestown Lighting and Power Company any and all transfers, assignments, and conveyances for such plant, system, franchise, and property as may be necessary, upon receiving the said payment of \$8995 in cash.

[Case No. 5638]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of G. H. EDWARDS of Wynantskill, Rensselaer county, *against* WYNANTSKILL HYDRO-ELECTRIC COMPANY of West Sand Lake, Rensselaer county, for failure to connect with and supply electricity to his premises.

It appearing to the satisfaction of the Commission that the Wynantskill Hydro-Electric Company of West Sand Lake, Rensselaer county, unreasonably fails and neglects to furnish G. H. Edwards of Wynantskill in said county with electric current upon his demand therefor, through unreasonable failure to connect his premises with the wires of the Wynantskill Hydro-Electric Company;

Ordered: That the Wynantskill Hydro-Electric Company show cause before the Commission at its office, No. 58 North Pearl street, in the city of Albany, on the 24th day of July, 1916, at 10 o'clock a. m., why an order should not issue requiring it forthwith to complete all necessary construction and to supply electric current according to law.

[Case No. 4200]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Application of the CATTARAUGUS COUNTY LIGHTING COMPANY and OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of the franchises, works, and system of the latter to the former; and of the Cattaraugus County Lighting Company to issue stock in payment therefor, make a mortgage, and issue bonds secured thereby for the construction of a transmission line.

Second
amendatory
order.

By order heretofore entered herein on the 5th day of August, 1914, the Cattaraugus County Lighting Company (now Olean Electric Light and Power Company) was authorized among other things to issue \$200,000 par value of

its capital stock, \$75,000 of which was to be classified as 7 per cent non-cumulative preferred and \$125,000 as common. According to a verified report dated the 10th of November, 1914, filed herein in accordance with the requirements of the aforesaid order, all of such stock has been used for the authorized purposes. By supplemental petition filed herein on June 10, 1916, the Olean Electric Light and Power Company asks for authority to re-classify as 7 per cent cumulative preferred stock its 7 per cent non-cumulative preferred stock, including the stock of this class which it has issued in accordance with the aforesaid order herein, and the \$33,300 par value of 7 per cent non-cumulative preferred stock authorized to be issued by order dated March 16, 1916, in case No. 5384, of which \$12,000 has been sold and the proceeds disposed of. Under date of June 27, 1915, there was filed herein a certified copy of the minutes of the meeting of the stockholders held on June 24, 1916, at which time the aforesaid re-classification was assented to. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Olean Electric Light and Power Company is hereby authorized to issue \$75,000 par value of its 7 per cent cumulative preferred capital stock, which shall be used solely and exclusively for the purpose of even exchange on the basis of par for par for an equivalent par value of 7 per cent non-cumulative preferred capital stock of the company now outstanding.

2. That the Olean Electric Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been exchanged and the date of such exchange; (b) with whom such stock was exchanged; (c) the amount par value of stock received in exchange; (d) all other terms and conditions of such exchanges. Such reports shall continue to be filed until all of said stock shall have been exchanged in accordance with the authority contained herein.

3. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use of the stock herein authorized to be issued is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5112]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to join with the Pennsylvania company in guaranteeing \$3,540,000 face value of 50-year 5 per cent first mortgage bonds of The Lake Erie and Pittsburgh Railway Company.

First
amendatory
order.

By order herein dated August 12, 1915, The New York Central Railroad Company was authorized to join with the Pennsylvania company and guarantee the principal and interest of \$3,540,000 face value of 5 per cent 50-year first mortgage gold bonds dated July 1, 1915, to be issued by The Lake Erie

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and Pittsburgh Railway Company. According to the petition dated July 6, 1916, by The New York Central Railroad Company, The Lake Erie and Pittsburgh Railway Company intends instead to issue 4½ per cent 50-year first mortgage bonds for the before mentioned amount, and the prayer of this supplemental petition of The New York Central Railroad Company is that it may join with the Pennsylvania company in guaranteeing the principal and interest of such bonds. Now therefore, upon the foregoing record, .

Ordered: That the order of the Commission heretofore entered herein on the 12th day of August, 1915, is hereby amended by the substitution therefor of the following:

Ordered: That The New York Central Railroad Company is hereby authorized to join with the Pennsylvania company and guarantee the principal and interest of \$3,540,000 face value of fifty-year first mortgage gold bonds dated July 1, 1915, bearing interest at the rate of four and one-half per cent per annum, to be issued by The Lake Erie and Pittsburgh Railway Company.

[Case No. 5384]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$33,300 preferred capital stock, and \$126,000 in 5 per cent 40-year first and refunding mortgage bonds, series A.

First supplemental and amendatory order.

By order heretofore entered herein on the 16th day of March, 1916, the Olean Electric Light and Power Company was authorized among other things to issue \$33,300 par value of its 7 per cent non-cumulative preferred capital stock, and to use the proceeds realized from the sale thereof at par for certain specified purposes. It appears from verified reports filed herein that \$12,000 par value of the stock so authorized has been sold and the proceeds used for the authorized purposes. By supplemental petition which has been filed in case No. 4200 on June 10, 1916, the company asks that the aforesaid order and the order in case No. 4200, in which the issuance of capital stock was authorized, be amended to authorize the issuance of 7 per cent cumulative instead of 7 per cent non-cumulative preferred capital stock, and prays for authority to re-classify as 7 per cent cumulative preferred capital stock the \$12,000 par value of non-cumulative stock already issued under the order herein. Under date of June 27, 1916, there was filed in case No. 4200 a certified copy of the minutes of the meeting of the stockholders held on June 24, 1916, at which time the re-classification of the stock issued and unissued was assented to. Now therefore, upon the foregoing record,

Ordered: 1. That ordering clause No. 2 of the order heretofore entered herein on the 16th day of March, 1916, is hereby amended to authorize the issuance at par of \$12,000 par value of 7 per cent non-cumulative preferred capital stock and the disposition of the proceeds thereof, and the authorization to issue \$21,300 par value of stock in addition thereto is hereby canceled.

2. That the Olean Electric Light and Power Company is hereby authorized to issue \$33,300 par value of its 7 per cent cumulative preferred capital stock, \$21,300 of which shall be sold for not less than the par value thereof

to realize net proceeds of \$21,300, which shall be applied toward the purposes set forth in ordering clause No. 4 of the original order herein dated March 16, 1916, and reports of the sale of such stock and the disposition of the proceeds thereof shall be submitted at the intervals and in the manner defined in ordering clauses Nos. 7 and 8 of the order herein dated March 16, 1916.

3. That of the capital stock of the total par value of \$33,300 authorized to be issued in the preceding clause hereof, \$12,000 par value thereof shall be used solely and exclusively for the purpose of even exchange on the basis of par for par for an equivalent par value of 7 per cent non-cumulative preferred capital stock of the company now outstanding.

4. That the Olean Electric Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what of the stock herein authorized has been exchanged and the date of such exchange; (b) with whom such stock was exchanged; (c) the amount par value of stock received in exchange; (d) all other terms and conditions of such exchanges. Such reports shall continue to be filed until all of said stock shall have been exchanged in accordance with the authority contained herein.

5. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use of the stock herein authorized to be issued is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5515]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MIDDLEBURGH AND SCHOHARIE RAILROAD COMPANY under subdivision 10, section 8, Railroad Law, for authority to issue a mortgage for \$18,000; and under section 55, Public Service Commissions Law, for authority to issue \$18,000 5 per cent 20-year bonds to be secured thereby.

First
amendatory
order.

By order herein dated April 27, 1916, the Middleburgh and Schoharie Railroad Company was authorized to execute a mortgage for \$18,000, to issue and sell at not less than their face value a like amount of bonds secured thereby, and to use the proceeds realized from such sale at face value for the refunding of an equal amount face value of bonds secured by a mortgage dated April 20, 1896, maturing May 1, 1916. From report verified the 26th day of May, 1916, filed in accordance with the requirements of the aforesaid order, it appears that such \$18,000 face value of 5 per cent 20-year first mortgage bonds so authorized to be issued were sold at a premium of \$8 per \$500 bond, which premiums of \$288 were used to defray the expenses of the refunding of underlying bonds as detailed in such report. By petition herein dated July 7, 1916, the petitioner asks for an order validating such expenditure of \$288 for such purpose. Now therefore, upon the foregoing record,

Ordered: That the expenditure by the Middleburgh and Schoharie Railroad Company of the premium of \$288 realized upon the sale of \$18,000 face

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value of 5 per cent 20-year first mortgage bonds heretofore authorized to be issued by order herein dated April 27, 1916, to defray the expense of refunding \$18,000 face value of underlying bonds and the satisfaction of the mortgage securing such bonds, as detailed in report herein verified May 26, 1916, is hereby ratified and approved.

Finally, it is determined and stated that in the opinion of the Commission the use of the premium realized from the sale of bonds heretofore authorized and issued is reasonably required for the purpose specified in this order, and that such purpose is properly chargeable to income.

[Case No. 5589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$72,000 first mortgage 5 per cent 40-year gold bonds under an existing mortgage for \$1,000,000.

Petition filed June 6, 1916; report of electrical engineer dated June 30, 1916; report of gas engineer dated July 7, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized to issue \$72,000 face value of its 5 per cent 40-year first mortgage gold bonds under a certain indenture dated the 1st day of August, 1914, given to the Fidelity Trust Company of Buffalo to secure an authorized issue of a total face value of \$1,000,000.

2. That said bonds of the total face value of \$72,000 shall be sold for not less than 80 per cent of their face value and accrued interest, to give net proceeds of at least \$57,600.

3. That said bonds of the face value of \$72,000 so authorized, or the proceeds thereof to the amount of \$57,600, shall be used solely and exclusively for the following purposes:

(a) Extensions to, improvements, and betterments of the street lighting and commercial systems of the petitioner in the town of West Seneca and generally throughout its system, as detailed in exhibit A attached to the petition herein.....	\$82,353.75
(b) Insurance and taxes during construction.....	1,200.00
(c) Legal expenses	2,500.00
(d) Engineering and superintendence.....	8,970.38
	\$90,024.13

Amount unprovided for..... \$32,424.13

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (a) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Gas and Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services

shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of the Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Gas and Electrical Corporations; (5) that the proceeds realized from the sale of bonds herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of bond proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of bonds are authorized.

4. That if the said bonds of a total face value of \$72,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$72,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Depew and Lancaster Light, Power and Conduit Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That The Depew and Lancaster Light, Power and Conduit Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the bonds herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform Systems of Accounts for Gas and Electrical Corporations the expenditures for such purposes have been charged; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the expenditures during such period by the prescribed accounts; (h) the amount remaining unexpended of the proceeds of the bonds sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (5) of ordering clause No. 3 of this order. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5618]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF ALTA-MONT *against* THE DELAWARE AND HUDSON COMPANY, asking that the 12:05 p. m. passenger train from Albany to Altamont, proposed to be discontinued, shall be continued, at least on Saturdays.

In this matter the company having informed the Commission that "beginning with Saturday, July 8th, we have arranged to restore this train, on Saturdays only, during the balance of our summer schedule, which I understand is satisfactory to the complainants"; and representative of complainants having informed the Commission that while this is satisfactory for the Summer, it is desired that the train be operated on Saturday all the year around, but that this case may be closed if desired without prejudice; it is

Ordered: That this complaint is hereby closed on the records of the Commission, without prejudice to a new complaint in regard to the operation of this train being filed with the Commission in the Fall.

[Case No. G. C. 881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for an order determining that public safety requires that the crossings at grade of said company's railroad and North Pearl street and Van Woert street, in the city of Albany, shall be changed from grade, and that said streets shall be carried under said railroad.

Ordered: 1. That the second intermediate accounting entered into by The New York Central Railroad Company with the City of Albany and this Commission, showing expenditures to an amount of \$34,208.93 properly and necessarily incurred by The New York Central Railroad Company in carrying out the Commission's order in the above entitled matter, be and is hereby approved; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted by the City of Albany as indicated by the signature of its corporation counsel.

2. That of the total amount of \$34,208.93 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$16,778.97, the share of the State of New York is the sum of \$8389.49, and the share of the City of Albany is the sum of \$9040.47, said last mentioned sum being in excess of the share of the State of New York by reason of certain expenditures to be borne exclusively by the city.

3. That there is now due and payable by said State of New York to The New York Central Railroad Company from funds appropriated for the elimination of grade crossings the above mentioned sum of \$8389.49.

4. On account of the fact that on the last or final accounting interest on all expenditures will be included, and the distribution of cost as provided by statute may upon such accounting show that the City of Albany has not only expended the whole or approximately the whole sum with which it will be chargeable but that it has actually expended a sum in excess thereof, the above order is made upon the express condition, accepted by the city and assented to by the railroad corporation, that the City of Albany shall not be obligated to pay to The New York Central Railroad Company on this second intermediate settlement the sum of \$9040.47 as shown by the accounting papers, but that the total amount chargeable to and payable by the city when all expenditures on account of the completed work including interest have been determined shall be finally fixed in the last accounting, upon which adjustment and distribution of all costs and expenses between the interested parties hereto shall be made.

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[Case No. 4632]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under sections 10 and 21 of the Railroad Law and section 53 of the Public Service Commissions Law for authority to construct an extension of its railroad from Buffalo to Niagara Falls; and under section 55 of the Public Service Commissions Law for authority to issue \$3,000,000 5 per cent bonds under an existing mortgage, to pay for such extension.

Under date of January 28, 1915, the Commission authorized the International Railway Company among other things to issue and sell for not less than 87 per cent of their face value and accrued interest, \$2,395,000 face value of 5 per cent 50-year refunding and improvement mortgage gold bonds, and to use the proceeds realized from such sale for the construction of an extension of its railroad from Buffalo to Niagara Falls. By supplemental application filed on the 20th day of July, 1916, the company states that since the filing of its original petition herein its plans with regard to some of the details of such construction have been changed, and to its petition in case No. 5617, dated June 24, 1916, which is an application for authority to issue additional securities for this purpose, is appended exhibit A which contains a revised estimate of such construction. The company prays, therefore, that the order herein dated January 28, 1915, be amended to authorize expenditure of proceeds for purposes set forth in such exhibit A, or for expenditures on account of such extension other than those listed in such exhibit which are properly capitalizable. Now therefore, upon the foregoing record,

Ordered: That ordering clause No. 5 of the order heretofore entered herein on the 28th day of January, 1915, is hereby modified and amended by the substitution therefor of the following:

"5. That said bonds of the face value of \$2,395,000 so authorized or the proceeds thereof shall be used solely and exclusively for expenditures on the new extension of the railroad of the petitioner from Buffalo to Niagara Falls, aggregating \$3,572,351, as summarized in exhibit A attached to the petition dated June 24, 1916, filed in case No. 5617, or in the event of any necessary change or changes in the present plans of the petitioner for expenditures on account of such extension other than those listed in such exhibit which are properly capitalizable, in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the proceeds realized from the bonds herein authorized, no portion of

the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the proceeds realized from the sale of bonds herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of bond proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of bonds are authorized."

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5081]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of three grade crossings of the New York, Ontario and Western Railway on County Highway Petition No. 3112, in the town of Delhi, Delaware county.

In the town of Delhi, Delaware county, the New York, Ontario and Western Railway Company's Delhi branch is crossed at grade four times by a highway known as County Highway Petition No. 3112, which the Highway Commission has designated for improvement. In addition to these crossings, there is another crossing at grade on a town highway known as the Peak's Brook road, which branches from and leads northerly from the county highway. The State Commission of Highways has come before this Commission under a petition asking for the elimination of the crossings upon the county highway, it being proposed to construct a new road between the two extreme crossings entirely on one side of the railroad, such construction having the effect of entirely eliminating the Peak's Brook crossing. It is further proposed, as shown by a plan presented and by evidence taken at a hearing before this Commission on March 31, 1916, to leave the most easterly crossing of the county highway, known as Clark's crossing, as a public way, in order to permit access to Sherwood's bridge over the Delaware river and the highway passing thereover. The effect of the elimination project, however, will be to divert all through and a considerable part of local highway traffic from this crossing, thus greatly reducing the risks now assumed by both the public and the railroad company. The proposition therefore is to divert a large percentage of the travel from one crossing (Clark's) on the county highway, eliminate entirely three crossings: Upper Sherwood, Lower Sherwood, and Fraser's, on the county highway, and eliminate one crossing on the Peak's Brook road. Embraced within the elimination area there are ten private crossings. These crossings it is proposed to retain for the use of property owners adjacent to the railroad, and to provide for such changes in the approaches thereto or in the manner of crossing as the changed highway location and its elevation require.

Upon this petition this Commission held a hearing at Albany on March 31.

1916, at which the following appeared: F. A. Hermans, bridge engineer, and F. J. Mulvaney, county assistant engineer, for the State Commission of Highways; C. L. Andrus, attorney, and J. H. Nuelle, chief engineer, for the New York, Ontario and Western Railway Company; John Chambers, chairman board of supervisors; H. S. Marvin, supervisor; and R. W. Siver, supervisor, for the Town of Delhi; Russell Archibald, trustee, for the Village of Delhi; A. L. Van Tassle, superintendent of highways; S. F. Adee and John W. Gibson in person; H. G. Hewitt for J. E. Clark, W. H. Harder, and John D. Little, property owners; and George A. Fisher, who appeared tentatively for Mrs. Margaret Sherwood Patterson and Miss Marjorie Patterson, property owners. At this hearing proof of publication of notice of hearing and of service thereof on interested property owners was made.

A further hearing to determine the manner in which the cost of paving the new highway shall be borne was held at Albany on July 14, 1916, at which appeared F. J. Mulvaney, county assistant engineer, and E. E. Brandow, assistant engineer, for the State Commission of Highways; C. L. Andrus and J. H. Nuelle, respectively attorney and chief engineer, for the railroad corporation; Supervisors Chambers, Martin, and Siver for the Town of Delhi; Trustee Archibald for the Village of Delhi; and A. L. Van Tassle, county superintendent of highways. The representatives of the railroad corporation contended that the entire paving cost should be borne by the State, but finally agreed that the cost of paving up to the sum of twelve thousand dollars (\$12,000) may be charged against the elimination project, and that one-half of such cost within the limit mentioned shall be borne by the railroad corporation: the understanding being that if the cost of such paving shall exceed the sum of twelve thousand dollars, all of such excess cost shall be borne and paid for by the State Commission of Highways. It is furthermore understood that certain existing private ways across the railroad shall be maintained, or where by reason of topographical conditions or otherwise such crossings properly must be disturbed others similar thereto shall be provided: all as hereinafter specifically set forth and provided for. In view of the foregoing, and after due consideration and deliberation, the Commission has determined that the petition herein shall be granted, and accordingly it is hereby

Ordered: 1. That the grade crossings of the New York, Ontario and Western railway on County Highway Petition No. 3112, in the town of Delhi, Delaware county, known as Lower Sherwood's, Upper Sherwood's, and Fraser's crossings, and a grade crossing of said railway on a town highway known as the Peak's Brook crossing, be closed and discontinued, and that travel be diverted therefrom to a new highway to be constructed north of and generally following the alignment of the railway track from a point in the present highway distant about 630 feet easterly of Clark's crossing, to a point in the highway distant about 300 feet westerly from Fraser's crossing, a total length measured on the alignment of said new highway of about 13,930 feet. The exact location of this new highway shall be as shown upon a portfolio of plans marked "Exhibit A" on file with this Commission, said location being that established and proposed by the State Commission of Highways.

The profile of the finished grade of the new highway and the dimensions governing the construction shall be substantially in accordance with the grades and dimensions shown upon the various plans embraced in "Exhibit A" hereinbefore referred to.

Ordered: 2. That except as hereafter described the existing private crossings of the railway herein referred to are to be maintained, and the roadways leading thereto are to be graded on the north side of the tracks so as to permit their crossing under the new highway or to join the same at grade, in accordance with the following schedule:

(a) Clark's crossing, leading to Clerk's gravel pit: roadway to be carried under the proposed grade of the new highway.

(b) A structure under the railway located at the property of Mrs. Patterson, accommodating the drainage from the north, is also occasionally used for a cattle-pass: a similar structure under the grade of the new highway the size of which shall be substantially the same as that of the existing structure under the railway shall be provided.

(c) Patterson Farm grade crossing: roadway to be graded on the north of the railroad to meet the new highway surface.

(d) Crossing at grade opposite the property of John Little: roadway to be graded on the north of the railway to meet the new highway grade. This crossing is designed to be used by the property owners Little, Burdick, and Bishop. An agreement for such joint use shall if possible be effected; failing in which, other provision shall be made for the necessities of the case, under further application to and through determination by this Commission.

(e) Undergrade crossing at lands of John E. Little: on account of the prohibitive grades that would be involved, it will be impracticable to grade an approach from the existing private undergrade crossing to the new highway surface. No such connection need therefore be constructed; means of crossing the track for property owner Little to be provided by crossing as herein described under paragraph (d).

(f) Crossing at lands of William Coe and Daniel Shaw: roadway to be graded on the north side of the railway to join the new highway at grade. An agreement for the joint use of this crossing by Shaw and Coe shall if possible be effected; failing in which, other provision shall be made for the necessities of the case, under further application to and through determination by this Commission.

(g) Undergrade crossing opposite the lands of Alexander Anderson: roadway to be graded on the north side of the railway to join the new highway at grade.

(h) A new crossing immediately west of Peak's Brook crossing to give access from the Snyder property to the new highway shall be constructed, Snyder now being accommodated by one of the highway crossings which by this order is to be closed. The northerly approach to the new private crossing shall be graded to join the new highway at grade.

(i) Crossing at lands of W. H. Harder: roadway to be graded on the north side of the railway to join the new highway at grade.

(j) Private crossing about 800 feet easterly of the Fraser grade crossing: the northerly approach to be graded to join the new highway surface at grade.

Ordered: 3. Before actually entering upon any construction work incidental to any of the before mentioned private crossings, or any work which would be affected by any change in the plans at this time tentatively approved, for the construction of such private crossings, the railroad corporation shall apply to this Commission for formal approval of definite and precise plans and specifications for the construction of said private crossings and each and every of them.

Ordered: 4. That in accordance with the agreement between the parties in respect of the cost of paving as hereinbefore set forth, only the actual cost of paving as the same shall be determined in the final accounting herein, at not to exceed twelve thousand dollars (\$12,000), shall be charged against the elimination project; and that any and all paving cost in excess of the last mentioned sum shall be charged against and paid for by the State Commission of Highways.

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[Case No. 5135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the UNION SPRINGS
LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$25,000 6 per cent bonds. First
amendatory
order.

By order heretofore entered herein on the 27th day of April, 1916, the Union Springs Light and Power Company was authorized to execute a mortgage for \$50,000, to issue and sell thereunder at not less than their face value \$25,000 face value of 6 per cent 30-year first mortgage bonds, and to use the proceeds realized from such sale for certain specified purposes. Under date of July 15, 1916, the company filed a supplemental petition stating that after diligent effort it was unable to dispose of the bonds so authorized at their face value, and therefore prays for an amendment of the aforesaid order to authorize the sale of such securities for not less than 90 per cent of their face value. Now therefore, upon the foregoing record,

Ordered: That ordering clauses Nos. 4 and 5 of the order heretofore entered herein on the 27th day of April, 1916, are hereby amended by the substitution therefor of the following:

4. That said bonds of the total face value of \$25,000 shall be sold for not less than 90 per cent of their face value and accrued interest, to give net proceeds of at least \$22,500.

5. That said bonds of the face value of \$25,000 so authorized, or the proceeds thereof to the amount of \$22,500, shall be used solely and exclusively for the following purposes:

(a) To discharge a mortgage indebtedness of the face value of..... \$12,000.00

(b) New construction detailed in petition, as follows:

1 100-hp. engine	\$1,000.00	
1 100-hp. boiler	1,000.00	
1 100-kw. generator	1,500.00	
Meters, motors, and miscellaneous equipment.....	1,500.00	
Wire, poles, and labor.....	5,000.00	
		10,000.00
(c) Working capital		500.00
		<u>\$22,500.00</u>

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that such working capital shall not be disbursed by such company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business.

[Case No. 5146]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF SODUS, Wayne county, *against* NEW YORK STATE RAILWAYS, asking for better shelter station at Centenary Crossing.

Following a former complaint as to inadequacy of shelter at a point known as Centenary Crossing, on the Rochester and Sodus Bay line of the New York State Railways, a shelter six by six feet was built. Complaint has been renewed upon the ground that the present shelter is inadequate. A hearing was held in the city of Rochester July 15, 1916, and at that time a conference was had by complainants, attorneys and officials of the New York State Railways, and the electric railway inspector of the Commission, as a result of which it was agreed that a shelter eight by eight feet would be satisfactory. The Commission is now informed by the general manager of the respondent that a recommendation to that effect has been approved, the shelter to be completed by October 1, 1916. It is therefore

Ordered: That the case be and hereby is closed upon the records, with leave however to reopen should a shelter not be erected in accordance with the agreement reached at the time of the hearing.

[Case No. 5196]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of JAMES O. MOORE *against* THE PAVILION NATURAL GAS COMPANY, asking that a main be extended to his farm.

This case having been decided by the Commission and an order entered herein on the 26th day of June, 1916; and the respondent herein, The Pavilion Natural Gas Company, having filed with the Commission a notice that it was the intention of the respondent not to comply with the terms of said order, which notice is dated July 5, 1916; and said respondent having also filed with the Commission on the 20th day of July, 1916, a petition asking for a rehearing in this case; now, after due deliberation, it is therefore

Ordered: That the said motion for a rehearing in this case be and the same hereby is denied.

578 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5455]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the HOMER AND CORTLAND GAS LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to issue \$25,000 common capital stock; also for cancellation of authority to issue \$8400 mortgage bonds (case No. 3488).

Petition filed March 1, 1916; report of division of capitalization dated April 20, 1916; report of gas engineer dated April 25, 1916; final report of division of capitalization dated May 22, 1916; company's comments on final report dated June 7, 1916; amended final report of division of capitalization dated July 21, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the amended final report of the division of capitalization in this proceeding dated July 24, 1916, which on July 24, 1916, was sent to the corporation, such entries being listed on pages 11 to 13 inclusive thereof, shall be entered upon the books of the Homer and Cortland Gas Light Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the order heretofore entered in case No. 3488 on the 28th day of August, 1913, as amended on January 22, 1914, is hereby further amended to authorize the issuance of \$14,000 face value of 5 per cent 40-year mortgage bonds and \$23,400 par value of capital stock, and the use of the proceeds of such securities for the purposes specified therein; and the authorization to issue and sell \$8400 of bonds in addition thereto is hereby vacated.

3. That the Homer and Cortland Gas Light Company is hereby authorized to issue \$25,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$25,000.

4. That said stock of the par value of \$25,000 so authorized, or the proceeds thereof to the amount of \$25,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations outstanding at December 31, 1915, as detailed in exhibit B attached to the petition herein, or their renewals	\$10,059.02
(b) For working capital	15,000.00
	<hr/>
	\$25,059.02

Amount unprovided for \$59.02

in so far as the same may be applicable, provided (1) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of the stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (2) that such working capital shall not be disbursed by such company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business; (3) that the proceeds realized from the sale of stock herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise

kept separately: the purpose and intent of this provision is to require the segregation of stock proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of stock are authorized.

5. That the Homer and Cortland Gas Light Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for the purposes specified herein during such period of the proceeds of the stock herein authorized, and such report shall show for such purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged; (f) the amount remaining unexpended of the proceeds of stock sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision 3 of ordering clause No. 4 of this order. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

7. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

580 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5623]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
Commissioners.**

In the matter of the Complaint of RESIDENTS OF THE INCORPORATED VILLAGE OF CLEVELAND, Oswego county, against NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to protection at the Clay Street, Mill Street, and North Street grade crossings of said railway in said village.

The company having answered in this matter that it "is preparing and now making arrangements to install proper electric alarm-bells at each of the crossings aforesaid, which will be done as soon as the material therefor can be procured by said respondent"; and representative of complainants having notified the Commission that this will satisfy the complaint, it is

***Ordered:* That this complaint is hereby closed on the records of the Commission as satisfied, subject to reopening if the crossing alarm-bells are not installed as soon as they reasonably may be.**

[Case No. 4139]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.**

In the matter of the Application of the CLIFF ELECTRICAL DISTRIBUTING COMPANY for an order permitting it to issue additional capital stock to the amount of \$150,000 under section 69 of the Public Service Commissions Law.

Second amendatory and supplemental order.

By order entered herein on the 31st day of March, 1914, as amended on November 9, 1915, the Cliff Electrical Distributing Company was authorized to issue \$150,000 par value of its capital stock and to use the proceeds realized from the sale thereof at par for new construction as indicated in such order. All of the stock so authorized has been sold, and according to report dated July 20, 1916, of the disposition of proceeds of such stock it appears that the expenditures for the purposes for which the stock proceeds were to be used differ in a few instances in amount from those set out in the before mentioned order. By supplemental petition bearing the same date the company asks for authority to use the proceeds of such stock for the actual expenditures upon such projects. Now therefore

***Ordered:* That ordering clause No. 3 of the order entered herein on the 31st day of March, 1914, as amended on November 9, 1915, is hereby further amended by the substitution therefor of the following:**

3. That said stock of the total par value of \$150,000 so authorized, or the proceeds thereof to the amount of \$150,000, shall be used for the following purposes and no others whatsoever:

(a) Purchase of 2 rotary converters and all accessories thereto from the National Electrolytic Co.....	\$24,030.88	
New rotary converters, transformers, switchboard and accessories, including erection and wiring.....	64,004.78	
	<u>\$88,035.61</u>	
Less book value of 3 rotary converters and 1 motor generating set to be withdrawn from service.....	88,000.00	\$55,035.61
(b) Electrical generator in Station No. 3, 100,000 e. hp. capacity....		42,640.44
(c) Conduit and cable line from its north end sub-station to the plants of the Titanium Alloy Mfg. Co. and Frontier Brick Co.....		8,896.89
(d) Other additional conduits and cables to mills along canal basin and to north end factory.....		1,124.89
(e) Conduit and cable line to proposed new station Buffalo and Niagara Falls Electric Light and Power Company, as provided by contract heretofore made.....		12,822.80
(f) To be applied toward the cost of increasing the capacity of two generators in Station No. 3 from 6500 k.v.a to 8000 k.v.a.....		21,101.13
(g) Engineering and superintendence on the above projects.....		2,630.86
(h) For meters, transformers, and other equipment as detailed in supplemental petition filed herein the 22nd day of July, 1915.....		5,748.38
		<u>\$149,500.00</u>

Excess \$500.00

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4869]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF LACKAWANNA AND THE TOWNS OF HAMBURG AND EAST HAMBURG, Erie county, against LEHIGH VALLEY RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, and THE NEW YORK CENTRAL RAILROAD COMPANY (The Terminal Railway of Buffalo) as to floods.

It having been made to appear to the Commission that owing to difficulty in obtaining labor and adverse weather conditions it has been impossible to complete the work provided in the former order of the Commission within the time therein limited, it is hereby, on application of the Buffalo, Rochester and Pittsburgh Railway Company, and N. A. Bundy, Receiver of the Buffalo Southern Railway Company,

Ordered: That the time fixed in the previous order for the completion of the work therein contemplated be and the same hereby is extended until August 15, 1916.

582 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4942]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE
HAMLET OF WEST FALLS, town of Aurora, Erie county,
against BUFFALO, ROCHESTER AND PITTSBURGH RAIL-
WAY COMPANY as to location of new station building
proposed to be built.

Upon the facts found and conclusions stated in the opinion of Commis-
sioner Hodson, which is approved and filed herein, it is

Ordered: 1. That the complaint herein of those residents of the hamlet
of West Falls, town of Aurora, against the location and adequacy of the
station site of the respondent, Buffalo, Rochester and Pittsburgh Railway
Company, at West Falls, be and the same hereby is dismissed, and the request
of said complainants that the said station be moved to the proposed Holmes
site, so called, some distance to the south, is hereby denied.

2. That the determination of the respondent to construct its freight and
passenger station and station lay-out on its present station property, and
the plans of said respondent, which are filed with the Commission in this
case, for the enlargement and improvement of said station property, including
the construction of a new station building and station lay-out, together with
other details, are hereby approved.

3. That the respondent, Buffalo, Rochester and Pittsburgh Railway Company,
is hereby directed to erect a suitable, adequate, and commodious freight and
passenger station upon its said property at West Falls, after the said prop-
erty shall have been so enlarged and extended as shown by the said plans;
that said company shall also construct and maintain a brick platform between
said station building and its railroad tracks; shall fill and level such station
grounds, construct and maintain a suitable driveway from the state highway
to and into such station grounds; construct and maintain a cement sidewalk,
erect and maintain a proper guard-rail at the edge of the embankment of
such station grounds and also along the side of said roadway nearest
the state highway; and to build an extension to the roadway leading to the
team track at said station; such brick platform, roadway, and sidewalk
shall be of the width, length, and character as the same are shown on
said plans; and said railroad company shall do and perform all other things
necessary and proper to make the said station adequate and convenient for
the traveling public, and to furnish all necessary, proper, and adequate
facilities for said company in the transportation of passengers and property.

4. That pursuant to the requirements of section 23 of the Public Service
Commissions Law said respondent is hereby directed to notify this Commission,
within five days after its receipt of a certified copy of this order, that the
same has been received, and whether the terms hereof are accepted and will
be obeyed.

[Case No. 4970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the NASSAU AND SUFFOLK LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue additional first mortgage bonds.

Under date of July 18th last, there having been issued an order of this Commission requiring the Nassau and Suffolk Lighting Company to show cause before the Commission on the 25th day of July, 1916, why an order of the Commission in this case under date of June 15, 1916, should not be revoked because the respondent corporation had unreasonably failed and neglected to comply with a certain requirement of said order in respect of the periodical filing of certain reports provided for in said last mentioned order; and on the return day in said order to show cause fixed, the respondent corporation having appeared by George MacDonald, president, and made explanation of the reasons why the filing of the reports mentioned had been delayed; and it appearing that the report which was in arrears of filing at the date of the making and entry of the aforesaid order to show cause had actually been filed with the Commission before the return day of said order; and the respondent having submitted that the difficulties in the way of prompt compliance with the requirements of the Commission in respect of the filing of said reports were largely occasioned by the fact that such reports were by the order required to be filed on or before the 10th day of each calendar month respectively, whereas because of bookkeeping and other difficulties and the demands and requirements of office and other administration of the business it is difficult to prepare the various tabulations which enter into the make-up of the said reports and complete the same before the 20th day of the month; and the respondent having accordingly requested to be relieved of any consequences of its failure to file reports in the specific instance mentioned, and that the order to show cause should accordingly be deemed satisfied; and that hereafter the filing of the report required by ordering clause No. 3 of said order of the Commission of June 15th last herein on or before the 20th day of each calendar month shall be deemed sufficient compliance with the requirements of said order; it is hereby

Ordered: 1. That the order to show cause herein shall be deemed satisfied; and that hereafter the filing of the report required by ordering clause No. 3 of said order of the Commission of June 15th last on or before the 20th day of each calendar month respectively shall be deemed sufficient compliance with the terms of said order in respect to the time within which said reports shall be made, until otherwise ordered by this Commission.

2. That the Nassau and Suffolk Lighting Company shall within five days of the service upon it of a copy of this order notify the Commission in writing whether or not the said order is accepted by the respondent.

584 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central Railroad and the Buffalo, Rochester and Pittsburgh Railway and the construction of an undergrade crossing.

Brown street, an important thoroughfare in the city of Rochester, extending in a northeasterly and southwesterly direction, and forming one of the main outlets to the western part of the city of Rochester, crosses four tracks of the New York Central railroad and two tracks of the Buffalo, Rochester and Pittsburgh railway at grade. On account of the density of traffic on the street and the density and high speed of traffic on the railroads, together with the acute angle of intersection included between the railroad and street lines, these crossings embody many elements of danger.

The City of Rochester, through its mayor and common council, has petitioned this Commission to determine that public safety requires the elimination of said Brown Street crossings. Numerous conferences between representatives of the railroads and of the city have resulted in the preparation of a general plan satisfactory alike to the railroads and the city, said plan providing for the carrying of Brown street under the grades of the railroads.

Upon this petition the Commission held a hearing on July 20, 1916; Benjamin B. Cunningham, corporation counsel, and E. A. Fisher, consulting engineer, for the City of Rochester; Harris, Beach, Harris & Matson (by Daniel M. Beach), Rochester, N. Y., for The New York Central Railroad Company; and W. F. Pond, office engineer, Buffalo, Rochester and Pittsburgh Railway Company, appearing; at which proof of publication of notice of hearing and of personal service of notice of this hearing upon property owners in interest was made. At this hearing there was introduced in the evidence a plan marked "Applicants Ex. No. 2," herein referred to as the general plan for the elimination agreed to between the railroads and the city.

There has been an understanding by the Commission that the City of Rochester is prepared to agree that the share of the State in the expense of this project shall be limited to \$100,000 (one-quarter of the total estimated cost of \$400,000), so that no part of the cost of the improvement, of whatsoever nature, in excess of \$100,000 shall in any manner attach to, be paid, or be payable by the State of New York.

There was no opposition at the hearing to the elimination of the crossings nor to the plan proposed. The Commission has accordingly determined that public safety requires the elimination of said crossings, and therefore

Ordered: 1. That the grade crossings of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway by Brown street, in the city of Rochester, shall be closed and discontinued, and that the traffic be carried under the grade of said railroads in undergrade crossings; that approaches to said undergrade crossings be constructed; that portions of certain streets now connecting into Brown street within the elimination area be re-graded and improved; that Tonawanda street be re-located and reconstructed upon lines forming an extension with those now in existence where said Tonawanda street now joins Saxton street, a street crossing the railroad

about 1050 feet westerly of Brown street; that the tracks of the New York Central railroad and of the Buffalo, Rochester and Pittsburgh railway be raised and partly re-located; and that sewers, walls, stairways, pavements, and other structures be provided, all as hereafter more fully described and specified.

2. In order to provide the desired overhead clearance in the subway and to obtain fall sufficient to secure a practicable grade in the proposed drainage system, the four existing tracks of the New York Central railroad shall be raised to conform to the following profile: Beginning at a point about 1300 feet westerly of Brown street, and proceeding easterly, ascending at the rate of 0.133 per cent to a point about 300 feet east of Brown street; crossing said Brown street about 2.97 feet above the existing track elevation; thence by 300 feet long vertical curve to join the existing track surface at about the westerly line of King street.

The two tracks of the Buffalo, Rochester and Pittsburgh railway shall be raised about 1.14 feet at Brown street above their present elevation; the new track grade to descend thence easterly at the rate of about 1.55 per cent to about the westerly line of King street. From Brown street westerly the tracks shall be brought to a junction with the existing track surface by means of a level grade about 100 feet long, and a grade about 200 feet long descending westerly at the rate of approximately 1.75 per cent.

3. Beginning on the south side of the tracks at a point about 450 feet from the center line of the Buffalo, Rochester and Pittsburgh railway, the grade of Brown street shall be changed so as to pass under the grade of the railroads as follows: Descending 5 per cent a distance of about 410 feet; thence continuing to proceed northerly, ascending at the rate of 0.405 per cent across the tracks of both railroads a distance of about 275 feet; thence continuing to ascend at the rate of 4 per cent on the north side of the New York Central railroad tracks a distance of about 190 feet to an intersection with the surface of Brown street as it exists at the present time.

The following additional streets on the south side of the Buffalo, Rochester and Pittsburgh railway tracks are to be re-graded to meet the new grade of Brown street —

(a) *Maple street (west of Brown street)*: This street to be re-graded, beginning at a point about 220 feet westerly of the center line of Brown street, descending thence at the uniform rate of 5 per cent to Brown street.

(b) *Jefferson street*: Beginning at a point about 330 feet from its intersection with Brown street, descending thence uniformly at the rate of 5 per cent to Brown street.

(c) *Maple street (east of Brown street)*: Beginning at a point about 285 feet from its intersection with the center line of Brown street, thence descending toward Brown street uniformly at the rate of 4 per cent.

(d) *Rossenbach Place*: Beginning at a point about 130 feet from the center line of Maple street (east of Brown street), descending thence toward Maple street uniformly at the rate of 10 per cent.

On the north side of the New York Central railroad, Wilder street is to be re-graded and its northerly alignment changed, the new grade descending from the intersection of Wilder, Romeyn, and Grape streets at the rate of about 5 per cent a distance of approximately 95 feet; thence at the rate of about 4.43 per cent a distance of about 140 feet.

Tonawanda street parallels the New York Central railroad on the north and is immediately adjacent to the railroad line. In connection with a previous improvement carried out by The New York Central Railroad Company in conjunction with the Buffalo, Rochester and Pittsburgh Railway Company and the City of Rochester at Saxton street, Tonawanda street was partly re-located, the center line of such re-located portion being approximately 95 feet from the center line of the New York Central railroad, its previous location having been approximately 50 feet from the same point. It is the intention of the city to ultimately extend Tonawanda street from Saxton street to Brown street upon the new lines thus established, and the plan for Brown Street elimination provides for the approach along Tonawanda

street on an extension of these lines thus established. This street therefore shall be re-located from a point at approximately the intersection of the westerly line of Grape street and the center line of new Tonawanda street as it exists in the vicinity of Saxton street, the grade of such re-located street to descend toward Brown street uniformly at the rate of 5 per cent.

On account of the revised grades of Wilder street, Brown street, and re-located Tonawanda street, the surface at their intersection must necessarily be warped in order to secure satisfactory drainage conditions and to permit the grades of the various streets to merge into each other in a manner consistent with public safety.

4. The subway on Brown street shall be constructed to a clear width of 60 feet measured at right angles to the masonry abutments, said 60 feet to be divided between a roadway 30 feet wide between curb lines, and two sidewalks: one on each side of said roadway, each 15 feet wide.

5. The bridges carrying the railroads in three spans (a roadway and two sidewalk spans) shall support solid floors, the intermediate supports being columns and piers, the former being located immediately inside the curb lines.

6. With the exception of Brown street, which is to be paved throughout the entire length of the improvement with a new Medina sandstone pavement, all streets embraced within the elimination area whose surfaces must be disturbed (except Rossenbach Place) as herein provided shall be paved with brick. A pavement similar to the existing pavement on Rossenbach Place shall be laid on that part of the roadway lying within the change of grade. Concrete sidewalks 5 feet wide shall be built on the south and the new north lines of Wilder street, on both sides of Tonawanda street as re-located, on both sides of Maple street east and west of Brown street, on both sides of Jefferson street, and on Brown street except in the subway, where concrete sidewalks shall be built for the entire width of 15 feet from curbs to the abutments.

7. Drainage of the subway and its approaches shall be provided to the Erie Canal, located to the east of Brown street. The most satisfactory location of the main sewer has not yet been determined, and its final location shall therefore be the subject of further study by the interested parties hereto and of future determination by this Commission.

The existing sewer in Brown street, and those in the various connecting streets if such now exist, shall if necessary be taken up and re-laid or new sewers provided; existing waterpipes and any other subsurface conduits where the same interfere with the projected grades on the streets whose surface must be disturbed shall be re-laid as the necessities of the case require. The final profiles of said sewers as they are to be re-laid, their dimensions, the location of manholes, catch-basins, etc., and all the work hereinbefore described as embraced within this elimination, shall be substantially in accordance with the general plan "Exhibit No. 2," heretofore referred to, on file with this Commission, entitled "N. Y. C. R. R. Buffalo and East Main Line Syracuse Division Elimination of Grade Crossing Brown Street 1.3 miles west of Rochester Issue No. A, New York July 19, 1916."

8. Retaining walls along all re-graded streets and stairways leading to private property shall if necessary be constructed, and at such places where walls are not required the sides of the excavation shall be left upon the natural slope of the earth.

9. In order to provide the required clearance on the bridges, the tracks of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway shall be so re-located as to provide the necessary spread between track centers at Brown street.

10. In accordance with the aforesaid understanding, the City of Rochester shall assume, pay, and discharge so much of the entire cost and expenses of the construction and work herein authorized and provided for, including the cost of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue hereof, as shall exceed the sum of

\$400,000, which last mentioned sum is to be paid by the railroad companies, the City of Rochester, and the State of New York, respectively, in such proportions as are fixed by statute in such case made and provided: this order being granted upon the express condition that no financial liability or obligation whatsoever in excess of one-fourth of the sum of \$400,000 shall attach to or fall upon the State of New York on account of the acquisition of lands, rights, or easements necessary or required, the construction and work, or for any other incidental expenses herein authorized and provided for; and that no sum in excess of one-fourth of said sum of \$400,000 shall be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise.

The acceptance of this order by the City of Rochester shall be deemed as an undertaking on its part to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any provisions thereof in excess of one-fourth of the sum of \$400,000, amounting to the sum of \$100,000, no interest to be added.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK LEVINE,
Commissioners.

In the matter of the Proposed New Passenger Fares by Various Common Carriers Subject to the Jurisdiction of this Commission.

For the reasons stated in the accompanying opinion of the Commission, and upon the facts found and for the reasons stated in the opinion of Commissioner Carr of June 8, 1916, it is

Ordered: 1. That the petition of The New York Central Railroad Company that this proceeding be reopened be and the same hereby is denied.

2. That The New York Central Railroad Company; The New York Central Railroad Company as lessee, etc., of the West Shore Railroad; The New York Central Railroad Company as lessee, etc., of the Boston and Albany Railroad; and C. L. Hunter, to the extent that he represents as agent said The New York Central Railroad Company and said West Shore Railroad Company, respectively, be and they severally are hereby directed to cancel on or before August 1, 1916, the tariffs containing schedules of individual and joint fares and charges for transportation within the State of New York over the lines of the said The New York Central Railroad Company, the West Shore Railroad Company, and the Boston and Albany Railroad Company, respectively, heretofore filed with this Commission and proposed to become effective on the 1st day of January, 1916, and all of which said schedules are now under suspension until August 1, 1916, by order of this Commission.

588 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5402]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the CLIFF ELECTRICAL
DISTRIBUTING COMPANY under section 69 of the Public
Service Commissions Law for authority to issue
\$100,000 common capital stock.

First supplemental and amendatory order.

By order heretofore entered herein on the 24th day of February, 1916, the
Cliff Electrical Distributing Company was authorized to issue \$100,000 par
value of its common capital stock and to use the proceeds realized from the
sale thereof at par for certain specified purposes. All of the stock so author-
ized has been sold, and by report dated July 20, 1916, it appears that
expenditures have been made in some instances for more and others for less
than the amounts authorized for such purposes in the aforesaid order, and the
company prays that the said order be modified as may be necessary to
authorize the use of the stock proceeds for the actual expenditures as
reported. Now therefore

Ordered: 1. That ordering clause No. 2 of the order heretofore entered
herein on the 24th day of February, 1916, is hereby amended by the substitu-
tion therefor of the following:

2. That said stock of the par value of \$100,000 so authorized, or the
proceeds thereof to the amount of \$100,000, shall be used solely and exclusively
for the following purposes:

(a) For the construction of a transmission line to the plant of the Hooker Electro-
chemical Company in the city of Niagara Falls, including the installation of
necessary conduit, etc., through the thoroughfares enumerated in the original
petition herein as amended by supplemental petition dated July 20, 1916, as
follows:

1. Bridge over Gill Creek.....	\$300.00	
2. 35 manholes (outside measurements 9 x 8 x 7) at \$150.....	5,250.00	
3. 325 cu. yds. of rock at \$4.....	1,300.00	
4. 9780.85 ft. of 6-duct conduit.....	20,638.68	
5. 974 ft. 4-duct conduit.....	1,830.51	
6. 84 ft. 9-duct conduit.....	241.92	
7. 32,585 ft. 250,000 c.m. cable.....	35,016.65	
8. Cost of installing above cable.....	2,500.47	
		\$67,078.23

(b) To enlarge the capacity of four alternators in the petitioner's
sub-station No. 8 from 6500 k.v.a. to 8000 k.v.a.....

33,136.82
\$100,215.05

Amount unprovided for \$215.05

in so far as the same may be applicable, provided (1) that such stock or the
proceeds thereof shall be applied on such new construction summarized in
subdivision (a) hereof only in so far as the same is a real increase in the
fixed capital of the petitioner and not a replacement of any part of such
fixed capital or substitution for wasted capital or other loss properly charge-
able to income, in accordance with the definitions contained in the Uniform
System of Accounts for Electrical Corporations adopted by this Commission;
(2) that there shall not be expended for any of such purposes a sum in
excess of the amount set opposite such purpose; (3) that there shall be no
charges to fixed capital on account of services or engineering in connection
with such construction except in so far as the same shall not be performed
by the regular employees and officers of the company, or by such officers and

employees who have been especially assigned to such construction work; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of this Commission; (5) that the unit prices contained in the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5428]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of GRACE E. COMPTON,
of the incorporated village of Blasdell, Erie county,
against OSBORN HEIGHTS LAND COMPANY as to rates
for natural gas.

This case was brought before the Commission by the filing of a written complaint on the 11th day of February, 1916; one of the allegations of the complaint is that the respondent produces and distributes natural gas from its own wells in the vicinity of the complainant's residence in the village of Blasdell, Erie county, and that the rates charged by the respondent are excessive and unreasonable; and the Commission is asked to make an order requiring the respondent to charge just and reasonable rates for such service; the answer of the respondent denies each and every allegation of the complaint. Hearings were duly held in this case in the city of Buffalo on the 23rd day of June, the 3rd day of July, and the 21st day of July, 1916, at which hearings the respondent appeared specially; and certain proceedings were had whereby it satisfactorily appears that the Osborn Heights Land Company is not a gas corporation within the meaning of the provisions of the Public Service Commissions Law, and that the said company is not engaged in the production and distribution of natural gas within the State of New York. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, with the privilege to the complainant of renewing said complaint upon good cause shown at any time in the future.

590 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5634]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of HARRISON M. WARD under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses and horses in the city of Rome, it being proposed that the route shall also be operated between Rome and the hamlet of Taberg, Oneida county.

Harrison M. Ward asks for a certificate of convenience and necessity for the operation of a stage route by auto busses and horses in the city of Rome as a part of a route to be operated between Rome and the hamlet of Taberg, Oneida county. The consent of the municipal authorities of the City of Rome was granted December 27, 1915, subject to certain terms and conditions. A public hearing was held in the city of Syracuse June 21, 1916, at which Mr. S. E. Spinning appeared for petitioner and no one appeared in opposition. It was stipulated at said hearing that no passengers would be carried from one point to another point within the city of Rome. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Harrison M. Ward of a stage route by auto busses and horses as provided in the consent heretofore granted by the common council and board of public works of the City of Rome, a copy whereof is attached to the petition herein, on West Dominick street in said city of Rome, to be operated only as a part of a line from said city of Rome to the hamlet of Taberg, Oneida county, but not to carry passengers locally from one point to another point within said city of Rome. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Rome, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5629]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of RENA M. CORBETT under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Rome, it being proposed that the route shall also be operated between Rome and the incorporated village of Camden, Oneida county.

Rena M. Corbett asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Rome as a

part of a route to be operated between Rome and the incorporated village of Camden, Oneida county. The consent of the municipal authorities of the City of Rome was granted December 27, 1915, subject to certain terms and conditions. A public hearing was held in the city of Syracuse July 21, 1916, at which Messrs. McNamara & Harrington (by T. J. McNamara) appeared for petitioner and no one appeared in opposition. It was stipulated at said hearing that no passengers would be carried locally within the city of Rome. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Rena M. Corbett of an auto bus route as provided in the consent heretofore granted by the common council and board of public works of the City of Rome, a copy whereof is attached to the petition herein, on Dominick street of said city of Rome, N. Y., from No. 126 East Dominick street westwardly to the city line; to be operated only as a part of a line from said city of Rome to the incorporated village of Camden, but not to carry passengers locally from one point to another point within said city of Rome. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Rome, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5647]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for approval of a plan of proposed interlocking to be installed at the crossing of the Pennsylvania railroad and New York Central railroad at Gardenville.

The New York Central Railroad Company by its signal engineer, under date of July 21, 1916, has applied to this Commission for approval of a plan No. 3156, and entitled "N. Y. C. R. R. Signal Dept. Gardenville Interlocking. W. N. Y. & P. Crossing, Buffalo Div. Scale 50' = 1". Albany, April 10, 1916." The plan has been examined by the chief of division of steam railroads, and under date of July 26, 1916, he recommends that the plan be approved. Now therefore

Ordered: That the aforesaid plan No. 3156 be and hereby is approved.

592 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation of the Erie Railroad Company as indicated by the signatures of the chief engineer, the assistant chief engineer, and the engineer of bridges and buildings, upon detail masonry plans, sheets numbered 15 and 16, showing walls to be constructed on the south side of the Erie railroad between Institute street and Main street, pursuant to a determination of the Commission in the matter above entitled; and upon the approval of the City of Jamestown as similarly indicated by the approval signature of its city engineer, it is

Ordered: That said plans, sheets Nos. 15 and 16, dated respectively May 12, 1916, and May 24, 1916, both revised June 15, 1916, be and are hereby approved.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a crossing of the Long Island railroad by the South Country Road state highway at Centre Moriches, in said town.

Upon the recommendation of The Long Island Railroad Company as indicated by letter of its chief engineer dated July 15, 1916, with reference to a revised general plan for the construction of an undergrade crossing and approaches thereto, in compliance with a determination of the Commission dated June 6, 1916, in the matter above entitled, said plan being in all respects similar to the plan referred to in the Commission's order herein with the exception of the location of a connection between the South Country road and a public highway south of and parallel with the railroad across the properties of Elisha Smith and Mrs. Masury, said connection being so located upon the revised plan as to cause minimum damage to the existing property owners, it is

Ordered: That a revised plan, drawing No. 231, dated 9-14-15, and marked for further identification as "Exhibit A," be and it is hereby approved.

[Case No. 3462]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ORANGE AND ROCKLAND ELECTRIC COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue \$82,000 mortgage bonds.

Second supplemental and amendatory order.

By orders entered herein on the 26th day of June, 1913, and 28th day of July, 1914, the Orange and Rockland Electric Company was authorized to issue and sell at not less than 90 per cent of their face value, 5 per cent twenty-year first and refunding mortgage bonds of the total face value of \$79,000, and to use the proceeds realized from the sale thereof for the discharge of current liabilities outstanding at December 31, 1912. According to verified reports filed herein, bonds of the total face value of \$12,000 have been sold and the proceeds thereof used for authorized purposes, leaving a balance still unissued of \$67,000. By supplemental petition herein dated June 9, 1916, the petitioner asks that the aforesaid orders be amended to authorize the company to issue in lieu of such bonds \$60,300 par value of its 7 per cent cumulative preferred capital stock at par, or at its option to issue both stock and bonds, but only in such amounts as will realize when sold net proceeds of \$60,300. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 1 of the order entered herein on June 26, 1913, is hereby amended by the substitution therefor of the following: "1. That the Orange and Rockland Electric Company is hereby authorized to issue \$12,000 face value of its 5 per cent twenty-year first and refunding mortgage bonds under a certain indenture given to The Columbus Trust Company as trustee, dated the 1st day of May, 1911, to secure an authorized issue of a total face value of \$500,000."

2. That the authority contained in the order herein dated July 28, 1914, to issue and sell bonds and to use the proceeds thereof is hereby canceled and revoked.

3. That the Orange and Rockland Electric Company is hereby authorized to issue \$67,000 face value of its 5 per cent twenty-year first and refunding mortgage bonds under the aforesaid mortgage, and to sell such bonds for not less than 90 per cent of their face value and accrued interest, to realize net proceeds of at least \$60,300; or, in the alternative, said company is authorized to issue \$60,300 par value of its 7 per cent cumulative preferred capital stock which shall be sold for not less than its par value, to realize proceeds of at least \$60,300; provided that said company may issue such portions of said bonds and stock herein authorized as it desires, but in no event shall it issue such securities which when sold as authorized shall produce net proceeds of more than \$60,300.

4. That the proceeds of the securities herein authorized shall be used solely and exclusively for the purposes set forth in ordering clauses No. 3 of the aforesaid orders herein dated June 26, 1913, and July 28, 1914, and the other provisions of such orders shall remain in force and effect.

Finally, it is determined and stated that in the opinion of this Commission the use of the securities herein authorized is reasonably required for the purposes referred to herein, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4741]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of July, 1916

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the EMPIRE GAS AND ELECTRIC COMPANY under section 70 of the Public Service Commissions Law; and subdivision 3, section 61, Transportation Corporations Law, for consent to acquire the franchises, works, and system of the Central New York Gas and Electric Company, and merge it under section 15 of the Stock Corporation Law.

Petition filed February 10, 1915; amended petition filed April 13, 1915; report of division of capitalization dated September 1, 1915; report of gas engineer dated October 15, 1915; report of electrical engineer dated January 10, 1916; final report of division of capitalization dated February 29, 1916; hearing held July 26, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Gas and Electric Company and Central New York Gas and Electric Company are hereby permitted to merge, and such merger is approved; and consent is hereby given to the exercise by the former of all the rights, privileges, and franchises of the Central New York Gas and Electric Company; and within thirty days after such merger shall have become effective the Empire Gas and Electric Company shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the merger of the Empire Gas and Electric Company and Central New York Gas and Electric Company shall be recorded by the consolidation of like accounts as represented upon the books of the petitioners.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days from the service hereof the Empire Gas and Electric Company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

[Case No. 5058]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Petition of ORANGE AND ROCKLAND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$37,000 in 5 per cent 20-year bonds secured by its first and refunding mortgage, for reimbursement.

Petition filed July 7, 1915; statement of fixed capital expenditures during calendar years 1913 and 1914 filed July 7, 1915; report of division of capitalization dated November 12, 1915; report of electrical engineer dated April 21, 1916; amended and supplemental petition filed June 7, 1916; final report of division of capitalization dated June 30, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That proposed journal entries Nos. 1 and 2 contained in the final report of the division of capitalization in this proceeding dated June 30, 1916, which on July 11, 1916, was sent to the corporation, such entries being listed on pages 10 and 11 inclusive thereof, shall be entered upon the books of the Orange and Rockland Electric Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the Orange and Rockland Electric Company is hereby authorized to issue \$37,000 face value of its 5 per cent 20-year first mortgage bonds under a certain indenture dated the 1st day of May, 1911, given to the Columbus Trust Company of the city of Newburgh as trustee, to secure an authorized issue of the total face value of \$500,000, and to sell such bonds at not less than 90 per cent of their face value, to realize proceeds of at least \$33,300; or, in the alternative, said company is authorized to issue \$33,000 par value of its 7 per cent cumulative preferred capital stock which shall be sold at not less than its par value, to realize proceeds of at least \$33,000; provided that said company may issue such portions of said bonds or stock herein authorized as it desires, but in no case shall it issue such securities which when sold shall produce proceeds of more than \$33,300.

3. That such securities authorized in ordering clause No. 2 herein, or their proceeds not to exceed \$33,300, shall be used for the reimbursement of the treasury of the petitioner for moneys actually expended from income for capital purposes during the calendar years 1913 and 1914 not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation, \$32,982.04: excess provided for, \$317.96.

4. That the Orange and Rockland Electric Company is hereby authorized to issue \$25,000 par value of its 7 per cent cumulative preferred stock which shall be sold at not less than the par value thereof, to realize proceeds of at least \$25,000, which proceeds shall be used for estimated expenditures for additions to fixed capital covering the purchase and installation of meters, transformers, and other equipment, and the necessary extensions to its lines during the calendar years 1916 and 1917, or for any proper fixed capital expenditures which the plans of the petitioner may make necessary, \$25,000, in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the

definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that the proceeds realized from the sale of stock herein authorized until used for such construction shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of stock proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for new construction enumerated herein, for which the proceeds of stock are authorized.

5. That if such securities herein authorized shall be sold at such a price as will enable the company to realize net proceeds of more than \$58,300, no portion of the proceeds of such sale in excess of \$58,300 shall be used for any purpose without an express order of the Commission.

6. That none of the bonds herein authorized shall be hypothecated or pledged as collateral by the Orange and Rockland Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Orange and Rockland Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to ordering clause No. 4 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary by projects of the expenditures of such purpose during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period; (f) the amount remaining unexpended of the proceeds of securities sold to be used for new construction authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (3) of ordering clause No. 4 of this order. In reporting under sections (2) and (3) of subdivision (e) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

9. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5116]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:
SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CARTHAGE AND COPENHAGEN RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue capital stock and ratification of the issuance of stock heretofore issued.

Petition filed August 3, 1915; amended petition filed December 20, 1915; affidavit of accounting officer filed January 12, 1916; report of division of capitalization dated July 25, 1916; hearing held July 25, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance and sale at par by the Carthage and Copenhagen Railroad Company of its common capital stock having a par value of \$14,300, between the dates of August 19, 1907, and April 30, 1913, not heretofore authorized by this Commission, and its use of the proceeds thereof for capital purposes, are hereby ratified and approved.

2. That the Carthage and Copenhagen Railroad Company is hereby authorized to issue \$8400 par value of its common capital stock to be sold at a price not less than the par value thereof to yield proceeds of \$8400.

3. That said capital stock of the par value of \$8400 so authorized, or the proceeds thereof to the amount of \$8400, shall be used solely and exclusively for the following purposes:

(a) For the payment of outstanding unfunded debt at June 30, 1915, to the extent of.....	\$2,920.52
(b) For the purchase of equipment, viz:	
1 second-hand locomotive	4,000.00
1 second-hand coach	1,500.00
	<hr/>
	\$8,420.52

Amount unprovided for..... \$20.52

in so far as the same may be applicable, provided (1) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of the stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (2) that the proceeds realized from the sale of stock herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank

account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of stock proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of stock are authorized.

4. That if the said stock of a total par value of \$8400 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$8400, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That the Carthage and Copenhagen Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized, and such report shall show for each of said purposes to what account or accounts under the classification of general balance sheet accounts and classification of investment in road and equipment for steam roads the expenditures for such purposes have been charged; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) the amount remaining unexpended of the proceeds of stock sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (2) of ordering clause No. 3 of this order. In reporting under subdivision (e) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the road and equipment accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of said securities herein authorized was and is reasonably required for the purposes for which they were or are to be used, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5518]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the A. SHERMAN LUMBER COMPANY of Potsdam *against* RUTLAND RAILROAD COMPANY, asking that a switching charge at the Skinnerville switch, near the Winthrop station on the railroad, may be ordered discontinued; and for reparation for the amount heretofore paid as such switching charge.

This complaint is against a tariff, P. S. C., 2 N. Y., No. 460, whereby what is called a "switching charge" of \$1 per car is made at a point known as Skinnerville switch, on the Rutland railroad, for moving out carloads of pulpwood. The contention is not that the charge in amount is unreasonable, but that any switching charge is, under the circumstances, unreasonable and discriminatory. The particular line of the Rutland railroad concerned extends in the State of New York from Ogdensburg to Rouses Point. Skinnerville switch is about one and a-half miles west of Winthrop station. It is a sidetrack almost entirely on land of the complainant, tapping the single track main line railroad between stations and extending along the St. Regis river. It was constructed in 1912 by the Remington-Martin Company as a facility for the shipment of pulpwood. It seems that it was originally contemplated that the siding should be built within the Winthrop yards, but the Remington-Martin Company preferred the Skinnerville location, and the track was there constructed under an agreement whereby the charge of \$1 a car should be made. In 1913 the complainant succeeded to the title and rights of the Remington-Martin Company without actual knowledge of the agreement, although the tariff now in question was then operative. The siding is used only for the shipment of pulpwood floated down the St. Regis river by the complainant, and shipped by it almost entirely to Raquette River Paper Company at Potsdam. The stockholders of the complainant and the Raquette River Paper Company are the same. The movement is on the Rutland railroad from the Skinnerville switch to Norwood, and then over the New York Central to Potsdam. The line haul of the Rutland is about eight miles. There is no similar switching charge on the Rutland railroad in the State of New York, but there is no other industrial siding in the State tapping a main line between stations. A local freight train bound east stops on the main line at Skinnerville switch, a flagman is sent out to protect the train, the locomotive is disconnected and the loaded cars pulled out of the siding. There is a 2 per cent grade to overcome, and frequently two movements are required to get the loaded cars out. Empties are moved without charge. This movement is effected by placing the empties ahead of the locomotive at Knapp's, about five miles west of Skinnerville switch, and pushing them until the switch is reached. Here there must be another switching movement, with the train protected by flag. These operations require time and some expense. The freight is billed from Winthrop. When the shipping season is over the switch points and frog are removed in order to facilitate main line traffic. This is not an ordinary switching movement. It is not conducted within yard limits. It is a special service between stations, involving tapping of the main line, obstruction to main tracks between stations, and special and unusual switching movements, for a traffic involving a short line haul. In the circumstances, the charge made is not unreasonable or discriminatory. It would be more proper if

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the railroad company should show Skinnerville switch as a point of origin and destination in its tariffs applying therefrom and thereto, but this would not affect the substance of the charge. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 5562]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of NORTH SHORE ELECTRIC LIGHT AND POWER COMPANY and PORT JEFFERSON ELECTRIC LIGHT COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of the franchises, works, and system of the last named company to the first named company; which petition includes that of the North Shore Company under section 69 of the Public Service Commissions Law for authority to issue \$20,000 common capital stock and \$53,000 5 per cent first mortgage 25-year gold bonds, and under section 70 for consent to acquire \$28,000 of the mortgage bonds of the Port Jefferson Company.

Petition of Edward A. Alexander, attorney for the executors of William Henry Blatch, deceased, for rehearing.

For the reasons stated in the accompanying opinion, the application of Edward A. Alexander, as attorney for Mrs. Harriet Stanton Blatch and George Henry Edwards, as executors of the last will and testament of William Henry Blatch, deceased, for a rehearing in this matter is denied.

[Case No. 5592]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of ITHACA GAS AND ELECTRIC CORPORATION under section 68 of the Public Service Commissions Law for permission to construct an electric plant and a gas plant, including poles, wires, conduits, mains, and appurtenances, for furnishing and transmitting electricity, and for furnishing gas, for light, heat, or power to the public in the towns of Ithaca and Lansing and the incorporated village of Cayuga Heights, Tompkins county; and for approval of the exercise of rights and privileges under franchises therefor received from the municipalities.

The Ithaca Gas and Electric Corporation asks permission, under section 68 of the Public Service Commissions Law, to construct an electric plant and a gas plant in the towns of Ithaca and Lansing and the village of Cayuga Heights, Tompkins county, and the approval of franchises therefor. The applicant is now furnishing gas and electricity to the public in the city of Ithaca. The incorporated village of Cayuga Heights is immediately north of the city of Ithaca, the town of Ithaca surrounds both, and the town of Lansing adjoins the town of Ithaca. The franchises are as follows: (1) Resolution of the town board of the Town of Ithaca dated April 1, 1916, concurred in the same day by the town superintendent of highways, "to lay gas pipes through and beneath the surface of any of the highways, streets, avenues, lanes, public alleys, and other public places in said town, for the purpose of conducting illuminating and fuel gas," and "to erect and maintain in any of the streets, avenues, lanes, public alleys, and other public places in said town, poles, lines of wires, insulators, transformer-arms and braces, and to suspend from the poles and wires to be erected, or that are now erected, electric lights for street lighting purposes, and to connect said lights and wires with any and all public and private buildings in said town for the purpose of lighting the same with electricity, and to transmit thereon such electric current at all times as shall be necessary and proper for such street lighting and for such lighting of public and private buildings, and also for the proper transmission of electricity and electrical current over said wires for the purposes of heat or power to be used in any of the public or private places"; (2) resolution of the town board of the Town of Lansing dated April 4, 1916, concurred in the same day by the town superintendent of highways, identical in terms with the preceding except as to the name of municipality; (3) resolution of the president and trustees of the Village of Cayuga Heights dated April 13, 1916, concurred in April 14, 1916, by the street commissioner, identical in terms with number 1 except as to name of municipality.

At the hearing held, after due notice, in the city of Ithaca July 22, 1916, Mr. C. T. Stagg appeared for the Town of Ithaca and the Village of Cayuga Heights; Mr. E. H. Bostwick for the petitioner, and Mr. J. I. Mange as president of the Ithaca Gas and Electric Corporation. There was no appearance in opposition to the application. The Ithaca Traction Corporation had filed a protest against the petition but did not appear at the hearing, and its president informed the sitting Commissioner that he desired to withdraw the protest. It appeared that the applicant is already furnishing electricity in certain districts of the municipalities above named but heretofore without

formal franchises therefor. It desires fully to legalize such operation and to provide for such extensions of its service as the needs of the public may demand. It is not the immediate purpose to furnish gas or electricity in the entire territory covered by the franchises, especially in the town of Lansing, and it was stated on the hearing that the approval of such franchises was not to be taken to preclude the subsequent approval of other possible franchises for territory not covered by the applicant. It is determined and stated that the construction of said plants and the exercise of each of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Ithaca Gas and Electric Corporation to construct an electric plant and a gas plant, including poles, wires, conduits, mains, and appurtenances, for furnishing and transmitting electricity, and for furnishing gas, for light, heat, or power to the public in the towns of Ithaca and Lansing and the incorporated village of Cayuga Heights, Tompkins county, N. Y., in accordance with the terms and provisions of the franchises aforesaid.

2. That the permission and approval of the Commission be given to said Ithaca Gas and Electric Corporation to exercise the rights and privileges conferred by each of said franchises, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

Special Permission Tariffs, July, 1916.

No. 6092; July 1, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of June 30, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, an amendment to its tariff schedule P. S. C., 2 N. Y., No. 2955, for the purpose of establishing a rate of sixty-three cents per two thousand pounds on Building Stone, carloads, minimum weight sixty thousand pounds, from Norwich, N. Y., to Hamilton, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 2955, effective July 7, 1916.

No. 6093; July 1, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date June 30, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff schedule for the purpose of establishing a rate of sixty-three cents per two thousand two hundred forty pounds on Scrap Iron, carloads, minimum weight forty-four thousand eight hundred pounds, from Liberty, N. Y., to Livingston Manor, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3302, effective July 6, 1916.

No. 6094; July 3, 1916; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad under its application of July 3, 1916, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a

freight tariff for the purpose of establishing a rate of fifty cents per gross ton of two thousand two hundred forty pounds on Coal Cinders, carloads, minimum carload weight twenty gross tons, from Mechanicville, N. Y., to Wayville, N. Y., and Saratoga Springs, N. Y. Such rate to include delivery at Luther's switch (Wayville, N. Y.) and Cedar Bluff switch (Saratoga Springs, N. Y.) when shipments are so consigned. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 718, effective July 10, 1916.

No. 6095; July 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff applying on Cheese, in boxes, in any quantity, from Watertown, N. Y., to Cape Vincent, N. Y., at rate of seven and four-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 2252, effective July 10, 1916.

No. 6096; July 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Derrick, N. Y., to Piercefield, N. Y., at rate of forty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2802, effective July 10, 1916.

No. 6097; July 6, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application of date July 5, 1916, the Buffalo, Lockport and Rochester Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 226, for the purpose of providing for the sale of fifty-trip regular and school commutation ticket books containing fifty tickets at the rate of one cent per mile for each mile traveled, with a minimum charge of three dollars per book, and providing for the use of same for travel within the cities of Rochester and Lockport as set forth in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 226, effective July 28, 1916.

No. 6098; July 7, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 6, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Building Sand and Gravel, in carloads, minimum weight sixty thousand pounds, from Fishers, N. Y., over its line via Maplewood, N. Y., and the Buffalo, Rochester and Pittsburgh railway to Perry, N. Y., at

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rate of ninety-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2807, effective July 13, 1916.

No. 6099; July 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than fifteen days' notice and under an effective date not earlier than August 9, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 54, as canceling supplement No. 7 thereto, filed to take effect August 9, 1916, reissuing the matter contained therein without change except to show that change of rates indicated covers points of destination taking index Nos. 6241 to 6292 inclusive, instead of index Nos. 6421 to 6292.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 54, effective August 9, 1916.

No. 6100; July 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1258, said supplement to establish on Wood Pulp and Wood Pulp Screenings, in carloads, minimum weight forty thousand pounds, from Ogdensburg, N. Y., to Utica, N. Y., a rate of eight and four-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 1258, effective July 15, 1916.

No. 6101; July 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2762, said supplement to establish on Building Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Boonville, N. Y., over its line via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to Norwich, N. Y., and Sherburne, N. Y., a rate of eighty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 2762, effective July 14, 1916.

No. 6102; July 8, 1916; The Pennsylvania Railroad Company:

This permission not used.

No. 6103; July 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 8, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity

tariff applying on Pig Iron, carloads, minimum weight as per Official Classification, from Charlotte, N. Y., to Gouverneur, N. Y., at rate of one dollar and forty cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2815, effective July 17, 1916.

No. 6104; July 12, 1916; Erie Railroad Company:

Ordered: That under its application of date July 10, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date not earlier than August 1, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3046, said supplement to correct error in supplement No. 9 thereto, filed to take effect August 1, 1916, by establishing rate of eleven and one-tenth cents per hundred pounds from New York state stations on its line, Cattaraugus, Dayton, Dunkirk, Forestville, Little Valley, Perrysburg, Persia, Sheridan, Smith's Mills, and West Perrysburg to stations on New York Central railroad, Presho, N. Y., to Ulysses, Penna., inclusive.

Completed by supplement No. 10 to P. S. C. No. 3046, effective August 1, 1916.

No. 6105; July 12, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date July 12, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 861, said supplement to postpone, as to New York intrastate traffic, from July 15, 1916, until November 12, 1916, the effective date of item 173-A as shown in supplement No. 4 to said tariff. This permission is void unless the schedule issued thereunder is filed with the Commission on or before July 14, 1916.

Completed by supplement No. 7 to G. O. P. S. C. No. 861, effective July 15, 1916.

No. 6106; July 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of July 15, 1916, a freight tariff of charges for iced refrigerator car service for the transportation of Limburger Cheese from Alder Creek, N. Y., to St. Johns Park station, New York city, as per exhibit attached to and a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission on or before July 15, 1916.

Completed by P. S. C. N. Y. C. No. 2814, effective July 15, 1916.

No. 6107; July 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Sand and Gravel, in carloads, minimum weight sixty thousand pounds, from Boonville, N. Y., over its line via Utica, N. Y., and the New York, Ontario and Western railway to Norwich, N. Y., at rate of eighty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2817, effective July 17, 1916.

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No. 6108; July 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff applying on Lumber and Forest Products, in carloads, minimum weight as per Official Classification, from Junius, N. Y., to Syracuse, N. Y., at rate of one dollar and fifty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2668, effective July 20, 1916.

No. 6109; July 14, 1916; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application of date July 12, 1916, The New York, Chicago and St. Louis Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and regulations of the Commission established thereunder, under an effective date of July 15, 1916, a supplement to its tariff P. S. C., 2 N. Y., No. 561, Exceptions to Official Classification, said supplement to postpone, as to New York state traffic, from July 15, 1916, until November 12, 1916, the effective dates of items 235, applying on dry core compound, carloads; and 330, applying on foundry flour, carloads.

Completed by supplement No. 2 to P. S. C. No. 561.

No. 6110; July 15, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date July 14, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, in carloads, minimum weight fifty thousand pounds, from Mechanicstown, N. Y., over its line via Burnside, N. Y., and the Lehigh and Hudson River railway to East Chester, N. Y., at rate of seventy-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3304, effective July 20, 1916.

No. 6111; July 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective not earlier than August 15, 1916, and on not less than twenty days' notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said supplement to cancel supplement No. 12 to said tariff and that portion of supplement No. 2 to said tariff affected thereby, and also to establish, effective same date and on same notice, the revised rules as stated in said application.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 2483, effective August 15, 1916.

No. 6112; July 19, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date July 17, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service

Commissions Law and the regulations of the Commission established thereunder, effective not earlier than August 15, 1916, and on not less than twenty days' notice, a supplement to its tariff P. S. C., 2 N. Y., W. S. No. 667, said supplement to cancel supplement No. 11 to said tariff and that portion of supplement No. 2 to said tariff affected thereby, and also to establish, effective same date and on same notice, the revised rules as stated in said application.

Completed by supplement No. 13 to P. S. C. W. S. No. 667, effective August 15, 1916.

No. 6113; July 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 1963, said supplement to establish on Pig Iron, carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 9131 (N. Y. C. & H. R. R. R. Co. issue), from Buffalo, N. Y.: stations Carroll Street, Louisiana Street, Ohio Street, and Erie Street, Black Rock, N. Y., East Buffalo, N. Y., Echota, N. Y., Harriet, N. Y., LaSalle, N. Y., Niagara Falls, N. Y., North Tonawanda, N. Y., and Suspension Bridge, N. Y., to Gouverneur, N. Y., a rate of two dollars and ten cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 1963, effective July 29, 1916.

No. 6114; July 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2311, said supplement to establish on Crushed Stone, in carloads, minimum weight sixty thousand pounds, from Oaks Corners, N. Y., over its line via Canandaigua, N. Y., and the Pennsylvania railroad to Produce Siding, N. Y., a rate of ninety-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 21 to P. S. C. N. Y. C. No. 2311, effective July 28, 1916.

No. 6115; July 20, 1916; West Shore Railroad (The New York Central Railroad Company, lessee):

Ordered: That under its application of date July 19, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 286, said supplement to establish on Moulding Sand, in carloads, minimum weight fifty-four thousand pounds, from Alsen, N. Y., to New York state destinations named in said tariff the same rates as are now shown therein as applicable from Saugerties, N. Y., to such destinations. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. W. S. No. 286, effective July 29, 1916.

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No. 6116; July 21, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date July 19, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 1268, said supplement to establish on various kinds of Brick and Clay, as named on page three of tariff, carloads, minimum weight fifty thousand pounds, from Jewettville, N. Y., and Orchard Park, N. Y., over its line via Buffalo, N. Y., and the Pennsylvania railroad to Elma, N. Y., a rate of seventy-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 1268, effective July 31, 1916.

No. 6117; July 21, 1916; E. Morris, Agent:

Ordered: That under his application of date July 18, 1916, E. Morris, Agent, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to his tariff P. S. C., 2 N. Y., No. 22, said supplement to cancel, as to New York intrastate traffic, item No. 350-A as shown in supplement No. 62 to said tariff. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 71 to P. S. C. No. 22, effective July 27, 1916.

No. 6118; July 21, 1916; Albany Southern Railroad Company:

Ordered: That under its application of date July 21, 1916, the Albany Southern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint passenger tariff in connection with the Catskill and New York Steamboat Company and Hudson River Day Line, said tariff to establish the fares, rules, and regulations as per proof attached to and a part of said application. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 128, effective July 24, 1916.

No. 6119; July 24, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application of date July 22, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, supplements to its tariffs P. S. C., 2 N. Y., Nos. A-507 and A-587, said supplement to P. S. C., 2 N. Y., No. A-507 to cancel, as to New York intrastate traffic, from supplement No. 5 thereto the elimination of Foundry Flour from Note 3; and said supplement to P. S. C., 2 N. Y., No. A-587 to cancel, as to New York intrastate traffic, from supplements Nos. 4 and 5 thereto item 190-A eliminating Compound, core, dry. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. No. A-507, effective July 31, 1916.

No. 6120; July 22, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 21, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the

Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice, supplements to its joint freight tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 2425 and 2426, applying on agricultural implements and parts thereof, and binder twine or cord for harvesters, which tariffs, by supplements Nos. 2 thereto, are now under postponement until October 30, 1916, said supplements to cancel the said postponement supplements and provide for the taking of effect of said tariffs not earlier than August 15, 1916.

Completed by supplements Nos. 3 to P. S. C. Nos. 2425 and 2426, effective August 15, 1916.

No. 6121; July 25, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date July 22, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than August 1, 1916, a joint freight tariff on grain and grain products, in carloads and less than carloads, applying from points on its line to points on the lines of The New York Central Railroad Company and its leased line, the West Shore Railroad, said tariff to cancel tariff P. S. C., 2 N. Y., No. D-3292, issued to become effective August 1, 1916, and to reissue the matter contained therein without change other than to correct typographical error in rate from Lehigh Valley stations Lansing, N. Y., to Farley's, N. Y., inclusive, to New York Central station Fulton, N. Y., to read "7.4 cents per hundred pounds".

Completed by P. S. C. No. D-3301, effective August 1, 1916.

No. 6122; July 25, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date July 24, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice, a supplement to its joint freight tariff P. S. C., 2 N. Y., No. D-3220, applying on agricultural implements and parts thereof, and binder twine or cord for harvesters, which tariff, by supplement No. 3 thereto, is now under postponement, as to New York state traffic, until October 30, 1916, said supplement to cancel said postponement supplement and provide for the taking of effect of such tariff not earlier than August 15, 1916.

Completed by supplement No. 4 to P. S. C. D-3220, effective August 15, 1916.

No. 6123; July 26, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date July 25, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Amesite, Crushed Stone, and Crushed Stone coated with oil or asphaltum, in carloads, minimum weight fifty-four thousand pounds, from Jamesville, N. Y., Syracuse, N. Y., and Syracuse (Rock Cut), N. Y., over its line via Binghamton, N. Y., and the Erie railroad to Lestershire, N. Y., Hooper, N. Y., and Endicott, N. Y., at rate of eighty-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2729, effective July 29, 1916.

No. 6124; July 27, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date July 26, 1916, The New York, New Haven and Hartford Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, for itself, the

Central New England Railway Company, and the New York, Westchester and Boston Railway Company, on not less than one day's notice, and to continue in effect for a period of sixty days unless sooner canceled, changed, or extended, a freight tariff of additional demurrage charges to apply at all stations on the lines of the carriers stated, said tariff to establish schedules of charges for the use of cars placed or constructively placed on public or private tracks in addition to regular demurrage charges, as stated in said application. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by P. S. C. No. F-273, effective July 31, 1916; expires September 29, 1916.

No. 6125; July 28, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 26, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Junius, N. Y., to Waterloo, N. Y., at rate of forty-seven cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2848, effective August 7, 1916.

No. 6126; July 29, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date July 28, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-2297, said supplement to revise the first paragraph, page four, caption "Commodities on which transit privileges will be allowed," eliminating therefrom the Mutual Transit Company and substituting therefor Great Lakes Transit Corporation. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. D-2297, effective August 3, 1916.

No. 6127; July 31, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application of date July 29, 1916, as amended July 31, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its commodity freight tariff P. S. C., 2 N. Y., No. A-508, said supplement to establish, on Ice, carloads, minimum weight forty thousand pounds, a proportional rate of sixty-one cents per ton of two thousand pounds from Jamestown, N. Y., on shipments received from Jamestown, Westfield and Northwestern Railroad Company, to Lockport, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 9 to P. S. C. No. A-508, effective August 7, 1916.

[Case No. 5537]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of IRVING P. FRALEIGH, Red Hook, Dutchess county, *against* CENTRAL NEW ENGLAND RAILWAY COMPANY as to cancellation by said company of joint rates with The New York Central Railroad Company on flour and apples in carloads from Red Hook to New York city.

Complaint having been made by Irving P. Fraleigh of Red Hook, Dutchess county, New York, against the Central New England Railway Company as to cancellation by said company of joint rates with The New York Central Railroad Company on flour and apples in carloads from Red Hook to New York city; and the matter having come on for a hearing before this Commission, at which said hearing the respondent appeared and presented evidence tending to show that complainant, by the use of the Barrytown station on the New York Central railroad, can secure the same results both as to rates and point of delivery in New York city as would come from the reestablishment of the joint rates in question; and complainant not having appeared or being represented at the said hearing although duly notified of the time and place thereof in accordance with the rules of this Commission; and the Commission being of the opinion that under the circumstances it would not be justified at this time in ordering a restoration of the joint rates in question, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of this Commission.

[Case No. 5552]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of MARK H. ELLISON of New York city *against* NEW YORK TELEPHONE COMPANY as to charge for over five minutes' use of telephone by subscribers who contract for a certain number of calls.

The complainant in this case seeks an order restraining the New York Telephone Company from making any additional charge for overtime on local messages: that is, charging as an additional message each period of five minutes' continuous use of the service on a local call after the first five-minute period has elapsed. A hearing was held at New York on June 27, 1916, and from the statements of complainant and respondent it was developed that there was no dispute as to the material facts in the case, and that therefore a determination of the issue must be based upon the judgment of the Commission as to whether in view of the law and the past practice of the respondent its present practice is justified. This practice the respondent

shows has been in force without material change since 1903. The method of ascertaining the overtime charges is through instructions to operators to note all apparent cases where the original five-minute period of a conversation has elapsed and then record the time on the ticker, afterward recording also the time the conversation is finished. The operator then registers one call and hands the ticket to a supervising operator who computes the number of five-minute periods as shown by the timing record, and registers against the calling subscriber one message for each five-minute period less one. The objections to this method are found, first, in the fact that all messages are not timed and that consequently not all cases of overtime are observed and charged for; second, that there must always be some elapsed time unrecorded; in both respects the method is inaccurate, although in both respects the inaccuracies are in favor of the public.

The respondent shows that of 9690 local calls observed in Manhattan central offices, 732 calls continued beyond the five-minute period; and that of the latter, 7 calls were noted by the operators and charged for. This means that only $7\frac{1}{2}$ per cent of the total number of calls observed in this particular test show overtime periods. Assuming that this test fairly represents the situation with regard to the measured service rendered in the city of New York as a whole, the company contends that to attempt to time all local messages from their inception to their finish would constitute an unreasonable burden and expense entirely out of proportion to the benefits that could accrue either to the company or the public. The company further contends that for the measured service there must be a definite unit of measure.

The Commission has sufficient technical knowledge of telephone operations in general and of measured rate service in particular to fully appreciate the great burden and cost that would accompany the timing of every one of the millions of local messages that are handled annually in New York city under the measured service system. The necessity for a definite unit of measure for measured rate service is too nearly axiomatic to need discussion. Therefore, the Commission must accept both of the above contentions.

The respondent shows by its exhibits A and C that while the total routine periods charged for in Manhattan as a whole amount to 0.13 of 1 per cent of the total local messages billed against all Manhattan subscribers, it has to deal with cases where subscribers hold the wire for over an hour at a time. Such overtime use is clearly an abuse that deserves to be penalized. Such cases, as well as those of only one or two overtime periods, very naturally account for some of the not infrequent complaints of "busy wire," when it would be hard to convince the subscriber that the busy wire report was not false.

In the case of the complainant, the company shows that from January 25, 1916, to May 28, 1916, he was charged for overtime on 28 calls. One of these, according to the respondent's records, extended for an hour and twenty-three minutes, and two others for over an hour.

The possible minor discrepancies that may arise through the inaccuracies in the method of observing and charging for overtime calls now followed by respondent can not in the present development of the telephone business be held to be of such grave consequence as to constitute illegal discrimination or to warrant the issuance of an order requiring the accurate timing of each and every local message. No alternative or improvement to the present practice of the respondent in this matter has been advanced, neither has there been any intimation that the five-minute period as a unit of measure for local measured service is unreasonable. It is therefore

Ordered: That this complaint be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5649]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY for the consent and approval of the Public Service Commission to the guaranty and indorsement upon certain three-year notes of the Salmon River Power Company heretofore authorized by the Public Service Commission.

The Commission by its order in case No. 4387, dated the 20th day of January, 1916, authorized the Salmon River Power Company to issue \$546,000 of its 6 per cent three-year gold notes, to be dated February 1, 1915, and to sell such notes for not less than their face value and accrued interest, and to use the proceeds thereof solely and exclusively for the discharge of obligations to the Erie Construction Company incurred under contracts for the construction of the Salmon River Power Company's hydro-electric plant on the Salmon river, in the county of Oswego, New York. According to the petition herein dated July 31, 1916, the aforesaid notes on the 27th day of July, 1916, were issued and delivered by the Salmon River Power Company to the Erie Construction Company in full payment and satisfaction of an equivalent amount of indebtedness incurred under contracts for the construction of the above described hydro-electric plant. On the 28th day of July, 1916, the said notes were purchased and are now held by the Niagara, Lockport and Ontario Power Company. The petition herein by the Niagara, Lockport and Ontario Power Company is for authority to join in the execution of a joint and several guaranty of the punctual payment of the principal and interest of the above described notes of the Salmon River Power Company dated February 1, 1915, maturing February 1, 1918, in order to enable it to sell such notes at 98 per cent of their face value and accrued interest. Now therefore

Ordered: That the permission and approval of this Commission are hereby given to the Niagara, Lockport and Ontario Power Company to guarantee the punctual payment of the principal and interest of the \$546,000 of three-year 6 per cent gold notes of the Salmon River Power Company dated February 1, 1915, maturing February 1, 1918.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon a canvass sheet of bids

on file with this Commission for various classes of work required to be performed under the modified determination of the Commission of March 16, 1916, in the matter above entitled, and upon the approval of the Town of Rhinebeck as similarly indicated upon said canvass sheet by the signature of its supervisor, it is

Ordered: That the unit price proposal which appears upon said canvass sheet as having been submitted by Francis Curnan shall be and the same is hereby approved.

[Case No. 4810]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:
WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EMPIRE COKE COMPANY for authority under section 69 of the Public Service Commissions Law to issue \$300,000 of preferred stock.

Petition filed February 23, 1915; report of division of capitalization dated July 29, 1915; reports (2) of gas engineer dated October 14, 1915; final report of division of capitalization dated November 29, 1915. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Coke Company is hereby authorized to issue \$179,500 par value of its preferred capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$179,500.

2. That said stock of the par value of \$179,500 so authorized, or the proceeds thereof to the amount of \$179,500, shall be used solely and exclusively for the following purposes:

(a) To be applied toward the discharge of its current liabilities outstanding at December 31, 1914, as shown on corrected balance sheet on page 15 of the final report dated November 29, 1915, of the Commission's division of capitalization, or the renewals thereof..	\$79,455.00
(b) For the purchase of \$100,000 par value of common capital stock of the Empire Gas and Electric Company.....	100,000.00
	<hr/>
	\$179,455.00
Excess.	\$45.00

3. That the Empire Coke Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified during such period of the proceeds of the stock herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for such purposes have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That this proceeding shall be continued upon the records of this Commission pending the completion of the examination by the Commission of the accounts and property of the company and any necessary adjustments in its accounts.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day of
August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,

Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over said company's railroad in the city of Poughkeepsie.

Upon the recommendation of the Central New England Railway Company as indicated by letter dated August 2, 1916, from its counsel, for the approval of the unit price proposal of T. F. Foley and Company, as shown upon canvass sheet of bids submitted for certain substructural work required to carry out the Commission's order herein, and a similar recommendation for such approval having been made by the City of Poughkeepsie by its superintendent of public works, it is

Ordered: That the unit price proposal submitted by T. F. Foley and Company for the construction of new masonry, the reconstruction of old masonry, embankment, excavation, etc., as shown upon said canvass sheet of bids, be and the same is hereby approved.

[Case No. 5224]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of BROOKLYN COOPERAGE COMPANY under section 68 of the Public Service Commissions Law for permission to construct poles, wires, and appurtenances for furnishing the public with electricity for light, heat, or power in the town of Salisbury, Herkimer county; and for approval of the exercise of franchises therefor received from the town.

The Brooklyn Cooperage Company made application to this Commission on September 30, 1915, for permission to construct an electric plant in the town of Salisbury, Herkimer county, and to exercise a franchise granted by the local authorities of said town on September 28, 1915. The Cooperage company is a manufacturing corporation organized under chapter 40 of the laws of 1848 for the purpose of manufacturing and selling barrels and everything incidental thereto. There is no authority given in the charter to carry on an electric lighting and power business. The Attorney General of the State of New York has recently made a decision to the effect that a manufacturing corporation organized under the aforesaid law of 1848 is without power to carry on an electric lighting business unless it has that specific power under its charter. It is therefore apparent that the Commission can not properly authorize a corporation to exercise a franchise for the purpose of carrying on a business not covered by its charter. Under the circumstances it is necessary for the Commission to deny the application in this case, and it is therefore

Ordered: That the application of the Brooklyn Cooperage Company for permission to exercise a franchise to sell and distribute electricity for lighting, heating, and power purposes in the town of Salisbury, Herkimer county, New York, under and pursuant to a franchise granted by the municipal authorities of said town, be and the same hereby is denied.

[Case No. 5385]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ONEONTA LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$65,000 common capital stock, for change in accounting order, and for approval of re-classification of \$75,000 existing preferred stock as common.

Petition filed January 18, 1916; details of changes in fixed capital accounts filed January 18, 1916; report of division of capitalization dated March 25, 1916; report of electrical engineer dated April 13, 1916; report of gas

engineer dated April 13, 1916 (above two reports appended to final report of division of capitalization); certified copy of certificate of increase of capital stock filed April 17, 1916; final report of division of capitalization dated April 18, 1916; correspondence from company containing stipulation with reference to correction of accounts dated June 8 and 15, 1916; hearing held July 20, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Oneonta Light and Power Company is hereby authorized to issue \$52,800 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$52,800.

2. That said stock of the par value of \$52,800 so authorized, or the proceeds thereof to the amount of \$52,800, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income during the calendar years 1912 to 1915 inclusive, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation, for the acquisition of additions and betterments to its property and the discharge of its indebtedness.....	\$47,779.68
(b) For the discharge of its unfunded debt outstanding at December 31, 1915, or their renewals, as follows:	
1. Accounts payable	\$814.40
2. Interest accrued on funded debt.....	2,083.88
3. Other accrued accounts	2,151.26
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	5,048.99
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	\$52,828.67

Amount unprovided for \$28.67

3. That the Oneonta Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended in reasonable detail of the proceeds for each of the purposes specified herein during such period and stating to what account or accounts such expenditures have been charged. Such report shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the Oneonta Light and Power Company shall credit its reserve, accrued amortization of capital, and charge its corporate surplus or deficit account, with \$10,245.31, so that the balance in the reserve shall equal the estimated accrued amortization to December 31, 1915; and that within thirty days of the service of this order there shall be filed a verified statement showing that such entry has been made.

5. That the Uniform System of Accounts for Gas and Electrical Corporations is hereby amended in its application to the accounts of the Oneonta Light and Power Company in so far as is necessary, so that all charges on account of retirements of fixed capital shall be charged to the account Accrued Amortization of Capital, increased by the journal entry provided to be made herein, and as maintained by credits to the same and charges to Operating Expenses, General Amortization, as provided in the Uniform System of Accounts applicable to said corporation.

6. That the Oneonta Light and Power Company shall allocate its fixed capital as of December 31, 1908, in accordance with the stipulations herein dated June 8 and 15, 1916, in a manner satisfactory to the Commission, taking into consideration in this connection the reports of its division of capitalization and engineers, which allocation shall be submitted to the Commission for its approval on or before December 1, 1916, which approval must be obtained before such allocation is spread upon the books of the petitioner.

7. That the Oneonta Light and Power Company is hereby authorized to issue \$75,000 par value of its common capital stock which shall be used for the exchange on the basis of par for par for the now outstanding 6 per cent cumulative preferred stock of the total par value of \$75,000, and as said common stock shall be exchanged for preferred stock the preferred stock shall be returned to the treasury of the corporation and canceled; and that the corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a report verified by the secretary or other executive officer stating the par value amount of common stock issued during the period and the par value amount of preferred stock received in exchange therefor and canceled.

8. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5455]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the HOMER AND CORTLAND GAS LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$25,000 common capital stock; also for cancellation of authority to issue \$8400 mortgage bonds (case No. 3488).

First supplemental and amendatory order.

By order herein dated July 25, 1916, the Homer and Cortland Gas Light Company was authorized among other things to issue and sell at not less than the par value thereof \$25,000 par value of its common capital stock, and to use the proceeds realized from such sale for certain specified purposes. By supplemental petition dated July 31, 1916, the company asks for permission to sell such stock to the Associated Gas and Electric Company, and for authority to the Associated Gas and Electric Company to acquire such stock. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein on the 25th day of July, 1916, is hereby amended to authorize the Homer and Cortland Gas Light Company to sell \$25,000 par value of common capital stock, therein authorized to be issued, to the Associated Gas and Electric Company.

2. That the Associated Gas and Electric Company is hereby authorized to acquire 250 shares, each of the par value of \$100, aggregating a total par value of \$25,000, of common capital stock of the Homer and Cortland Gas Light Company, to be issued pursuant to the terms of the aforesaid order dated July 25, 1916.

[Case No. 5461]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
JAMES O. CARR,
FRANK IRVINE,

Commissioners.

Petition of SILVER CREEK ELECTRIC COMPANY under section 68, Public Service Commissions Law, for permission to construct in the town of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the town board and superintendent of highways.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Silver Creek Electric Company for permission to construct in the town of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from the town; and public notice of the pendency of said petition having been published in newspapers in the locality; and public hearings on said petition, after due notice, having been held in the city of Buffalo, Strebel, Corey, Tubbs & Beals appearing for the petitioner; George E. Spring and George A. Larkin appearing for Gowanda Light and Power Corporation (which has filed a similar petition for said town, case No. 5530, determined this date) in opposition; and Harry D. Sanders appearing for the City of Buffalo; and a stipulation made July 22, 1916, between this petitioner and Gowanda Light and Power Corporation having been filed with this Commission, by which it appears that said Gowanda Company withdraws its opposition to the granting of this petition on condition that said Silver Creek Company shall, if this petition is granted in such form as it hereinafter is, confine its electric lines to the territory of the town of Perrysburg hereinafter described; and this Commission hereby determining from the papers and hearings that the construction and exercise of franchise hereinafter permitted and approved are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Silver Creek Electric Company in that portion of the town of Perrysburg, Cattaraugus county, which lies westerly of an imaginary line drawn from the north boundary of said town to the south boundary of said town through the westerly line of the incorporated village of Perrysburg, and in that portion of said town of Perrysburg which lies easterly of said imaginary line to the extent only that such construction is necessary to enable said Silver Creek Electric Company to deliver electric current to the J. N. Adam Memorial Hospital which is located in said town easterly of said imaginary line, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by Silver Creek Electric Company of rights and privileges under a franchise to use the public streets, highways, and public places of those portions of said town of Perrysburg in this paragraph before described, and not in other portions of said town notwithstanding the franchise covers the entire town, for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power received by said Silver Creek

Electric Company from the town board and superintendent of highways of the said Town of Perrysburg, February 19, 1916, a copy of which franchise certified by Daniel E. Allen, clerk of said town, to be a true copy, is filed with this Commission with the papers in this case.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5482]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day of
August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of the SOUTHERN NEW YORK POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$22,600 common capital stock.

Petition filed March 25, 1916; exhibit A, containing among other things detailed statement of capital expenditures from July 1, 1910, to December 31, 1915, filed March 30, 1916; certificate of increase of capital stock filed April 25, 1916; report of division of capitalization dated May 23, 1916; report of electrical engineer dated July 12, 1916; final report of division of capitalization dated July 24, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated July 24, 1916, which on August 1, 1916, was sent to the corporation, such entries being listed on pages 15 to 17 inclusive thereof, shall be entered upon the books of the Southern New York Power Company; and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the Southern New York Power Company is hereby authorized to issue \$16,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$16,000.

3. That said stock of the par value of \$16,000 so authorized, or the proceeds thereof to the amount of \$16,000, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from March 25, 1911, to December 31, 1915, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	\$14,559.98
(b) For the payment and discharge of unfunded debt outstanding at December 31, 1915, as detailed on page 11 of exhibit A (bound separately) filed with the papers herein, or the renewals thereof....	1,457.19
	\$16,017.17

Amount unprovided for..... \$17.17

4. That the Southern New York Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition;

(b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used and expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used and expended the report shall set forth such fact.

5. That the Uniform System of Accounts for Electrical Corporations is hereby amended in its application to the accounts of the Southern New York Power Company in so far as is necessary so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

6. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

7. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5530]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of GOWANDA LIGHT AND POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct in the town of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of franchises therefor received from the town board and superintendent of highways.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Gowanda Light and Power Corporation

for permission to construct in the town of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of rights and privileges under franchises therefor received from the town; and public notice of the pendency of said petition having been published in newspapers in the locality; and public hearings on said petition, after due notice, having been held in the city of Buffalo; George E. Spring and George A. Larkin appearing for the petitioner; Strebel, Corey, Tubbs & Beals appearing for the Silver Creek Electric Company (which has filed a similar petition for said town, case No. 5461, determined this date) in opposition; and Harry D. Sanders appearing for the City of Buffalo; and a stipulation made July 22, 1916, between this petitioner and Silver Creek Electric Company having been filed with this Commission, by which it appears that said Silver Creek company withdraws its opposition to the granting of this petition on condition that said Gowanda company shall, if this petition is granted in such form as it hereinafter is, confine its electric lines to the territory of the town of Perrysburg hereinafter described; and this Commission hereby determining from the papers and hearings that the construction and exercise of franchises hereinafter permitted and approved are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Gowanda Light and Power Corporation in that portion of the town of Perrysburg, Cattaraugus county, which lies easterly of an imaginary line drawn from the north boundary of said town to the south boundary of said town through the westerly line of the incorporated village of Perrysburg, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Gowanda Light and Power Corporation of rights and privileges under two franchises to use the public streets, highways, and public places of that portion of said town of Perrysburg in this paragraph before described, and not in other portions of said town notwithstanding the franchises cover the entire town, for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power received by said Gowanda Light and Power Corporation, one from the town board and one from the superintendent of highways of the said Town of Perrysburg November 1, 1915, copies of which franchises certified by D. E. Allen, clerk of said town, to be true copies, are filed with this Commission with the papers in this case.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5533]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,

FRANK IRVINE,

JAMES O. CARR,

Commissioners.

Petition of SILVER CREEK ELECTRIC COMPANY under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the town board and superintendent of highways.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Silver Creek Electric Company for permission to construct in the incorporated village of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from the village; and public notice of the pendency of said petition having been published in newspapers in the locality; and public hearings on said petition, after due notice, having been held in the city of Buffalo, Strebel, Corey, Tubbs & Beals appearing for the petitioner; George E. Spring and George A. Larkin appearing for Gowanda Light and Power Corporation (which has filed a similar petition for said village, case No. 5563, determined this date) in opposition; and a stipulation made July 22, 1916, between this petitioner and Gowanda Light and Power Corporation having been filed with this Commission by which it appears that said Gowanda company withdraws its opposition to the granting of this petition on condition that said Silver Creek company shall, if this petition is granted in such form as it hereinafter is, use its electric lines to be constructed in said village solely for transmitting electricity through the village; and this Commission hereby determining from the papers and hearings that the construction and exercise of franchise hereinafter permitted and approved are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Silver Creek Electric Company in the incorporated village of Perrysburg, Cattaraugus county, of an electric plant, including poles, wires, conduits, and appurtenances, solely for transmitting through said village electricity for light, heat, or power; and hereby permits and approves the exercise by Silver Creek Electric Company of rights and privileges under a franchise to use the streets, highways, and public places of said village therefor received by said Silver Creek Electric Company April 18, 1916, from the president and trustees of said Village of Perrysburg, a copy of which franchise certified by Charles L. Graves, village clerk, to be a true copy, is filed with this Commission with the papers in this case.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5548]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day of
August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of the HIGH HILL
BEACH IMPROVEMENT ASSOCIATION, Nassau county,
against NEW YORK TELEPHONE COMPANY, asking for
telephone service during the Summer.

Complaint having been made by the High Hill Beach Improvement Association, representing the residents and householders of High Hill Beach, Nassau county, Long Island, against the New York Telephone Company, on account of the unwillingness of the said New York Telephone Company to extend its service to High Hill Beach; and the matter having come on for a hearing before the Commission on the 27th day of June, 1916, when testimony was offered and arguments made on behalf of complainants and respondent; and the Commission having reached the conclusion, for the reasons set forth in the memorandum accompanying this order, that the New York Telephone Company should proceed with the construction of a telephone line to High Hill Beach, and should complete the said extension before June 1, 1917, it is hereby

Ordered: 1. That the respondent, the New York Telephone Company, proceed with the construction of a telephone line to, and the establishment of a public pay station at, High Hill Beach, in connection with its telephone system, and complete the same on or before June 1, 1917.

2. That the respondent, the New York Telephone Company, be and is hereby required to notify the Commission on or before August 21, 1916, whether it accepts and will obey the provisions of this order.

[Case No. 5562]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day of
August, 1916.

Present:

WILLIAM TEMPLE EMMET,
JAMES O. CARR,
FRANK IRVINE,

Commissioners.

In the matter of the Joint Petition of NORTH SHORE
ELECTRIC LIGHT AND POWER COMPANY and PORT
JEFFERSON ELECTRIC LIGHT COMPANY under section
70 of the Public Service Commissions Law for con-
sent to the transfer of the franchises, works, and
system of the last named company to the first named
company; which petition includes that of the North
Shore Company under section 69 of the Public Service
Commissions Law for authority to issue \$20,000 com-
mon capital stock and \$53,000 5 per cent first mort-
gage 25-year gold bonds, and under section 70 for
consent to acquire \$28,000 of the mortgage bonds of
the Port Jefferson Company.

Supplemental
and
amendatory
order.

Petition filed May 13, 1916; copy of minutes of special meeting of board of directors of Port Jefferson Electric Light Company held May 10, 1916, filed May 18, 1916; reports of electrical engineer dated May 18, 23, June

24, and July 10, 1916; reports of division of capitalization dated May 29 and July 17, 1916; order entered June 6, 1916. By order herein dated June 6, 1916, the Port Jefferson Electric Light Company was authorized to transfer and sell all of its property, rights, franchises, and immunities, except cash, bills and accounts receivable, and a certain unimproved parcel of land in the village of Port Jefferson N. Y., but subject to its outstanding bonded indebtedness of \$28,000 to the North Shore Electric Light and Power Company; provided that there should be no other outstanding indebtedness on such property at the date of the transfer, and that the value of such assets at the date of such transfer should not be less than the value at March 18, 1916. Said order also authorized the North Shore Electric Light and Power Company to issue \$53,000 face value of 5 per cent twenty-five year first mortgage bonds and \$20,000 par value of common capital stock, the former to be sold for not less than 85 per cent of their face value and the latter for not less than par, and to use the proceeds amounting to \$37,000 realized from such sale for the purchase of such property of the Port Jefferson Electric Light Company, and \$28,000 for the discharge of the outstanding bonds of that company. Subsequent to the entry of the above order, the North Shore Electric Light and Power Company advised the Commission that it desired to acquire the bonds of the Port Jefferson Electric Light Company with the proceeds of the securities petitioned for, and not to use such proceeds for the discharge of the funded debt of the latter company as authorized in the order above mentioned. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 5 of the order herein entered the 6th day of June, 1916, is hereby amended by the substitution of the following:

5. That said stock and bonds of the par and face value of \$73,000, or the proceeds thereof to the amount of \$65,050, shall be used solely and exclusively for the following purposes:

(a) For the purchase and acquisition from the Port Jefferson Electric Light Company of all its property, rights, franchises, and immunities, except cash on hand, bills and accounts receivable, and a certain unimproved parcel of land described in clause VI of the petition herein, subject to the outstanding funded debt of \$28,000 and for the legal and engineering expenses incident to the acquisition of this property.....	\$37,000.00
(b) For the acquisition of \$28,000 face value of 5 per cent first mortgage bonds of the Port Jefferson Electric Light Company.....	28,000.00
	<hr/>
	\$65,000.00

Excess	\$50.00
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2. That the assets of the Port Jefferson Electric Light Company to be acquired by the North Shore Electric Light and Power Company shall be taken upon the books of the latter company at the values shown in the final report of the division of capitalization dated July 17, 1916, modified by the legitimate business transactions of the Port Jefferson Electric Light Company since March 15, 1916; provided that of the proceeds which are allowed herein for the acquisition of this property, \$2000 thereof shall be charged to an account to be called "Suspense to be Amortized," which shall be amortized by annual credits thereto of \$250, and charges to the prescribed account "Other Contractual Deductions from Income" until this account shall have been eliminated; further provided that the North Shore Electric Light and Power Company may reduce this account more rapidly by crediting the account "Suspense to be Amortized" and debiting corporate surplus with any excess write-off over the amount herein required.

3. That within thirty days from the service of this order the petitioners herein shall file complete statements duly verified by their respective secretaries or other executive officers, showing full particulars of the transfer to the North Shore Electric Light and Power Company of the assets, including franchises, of the Port Jefferson Electric Light Company, including (a) details of the changes in the accounts of the Port Jefferson Electric Light Company from March 15, 1916, to the date of the actual transfer of the property; (b) particulars of the entries made upon the books of the North Shore Elec-

tric Light and Power Company reflecting the acquisition of the assets and franchises of the Port Jefferson Electric Light Company.

4. That the authority contained in this order is upon the express condition that the North Shore Electric Light and Power Company accepts and agrees to comply in good faith with the provisions hereof; and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, which acceptance shall also be considered by this Commission as an acceptance of the order entered herein on the 6th day of June, 1916; and this order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income except as to \$2000 which is herein required to be charged to "Suspense to be Amortized".

[Case No. 5563]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of GOWANDA LIGHT AND POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received from the town board and superintendent of highways.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by Gowanda Light and Power Corporation for permission to construct in the incorporated village of Perrysburg, Cattaraugus county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from the village; and public notice of the pendency of said petition having been published in newspapers in the locality; and public hearings on said petition, after due notice, having been held in the city of Buffalo, George E. Spring and George A. Larkin appearing for the petitioner; Strebel, Corey, Tubbs & Beals appearing for the Silver Creek Electric Company (which has filed a similar petition for said village, case No. 5533, determined this date) in opposition; and a stipulation made July 22, 1916, between this petitioner and Silver Creek Electric Company having been filed with this Commission, by which it appears that said Silver Creek company withdraws its opposition to the granting of this petition on certain conditions; and this Commission hereby determining from the papers and hearings that the construction and exercise of franchise hereinafter permitted and approved are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by Gowanda Light and Power Corporation in the incorporated village of Perrysburg,

Cattaraugus county, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by Gowanda Light and Power Corporation of rights and privileges under a franchise to use the streets, highways, and public places of said village therefor, received by said Gowanda Light and Power Corporation April 13, 1916, from the president and trustees of said Village of Perrysburg, a copy of which franchise certified by C. L. Graves, village clerk, to be a true copy, is filed with this Commission with the papers in this case.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5603]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of CHARLES M. WOOD and J. LAWRENCE WEBSTER under section 70 of the Public Service Commissions Law for consent to the transfer from Wood to Webster of the franchises, works, and system of an electric plant in Elizabethtown.

Application by Charles M. Wood of Elizabethtown, New York, for permission to sell and transfer his electric light plant and franchises in Elizabethtown to J. Lawrence Webster of the same village. J. Lawrence Webster joins in the application. Hearing held at the office of the Commission in the city of Albany on August 7, 1916, at 2:30 p. m., at which time Mr. Charles M. Wood appeared in person, no one appearing in opposition. Proof of publication of notice of this application was duly filed with the Commission at the hearing. There appearing to be no reason why the Commission should withhold its consent as prayed for by the petitioners, it is

Ordered: That the consent of this Commission be and the same hereby is given to the transfer and sale by Charles M. Wood of the electric light plant, works, and system owned by him in the village of Elizabethtown, New York, to J. Lawrence Webster of said Elizabethtown, as of May 1, 1916.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and the same hereby are given to the exercise by said J. Lawrence Webster of the franchise granted by the board of trustees of the Village of Elizabethtown to Charles M. Wood on August 27, 1898, as amended by said board of trustees on September 23, 1898.

[Case No. 5607]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of THE SCOTTSVILLE SAND & GRAVEL COMPANY against THE PENNSYLVANIA RAILROAD COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY, asking that rates on carloads of sand and on carloads of gravel from Scottsville to Kodak Park switch be reduced.

On June 19, 1916, The Scottsville Sand & Gravel Company filed with this Commission a complaint against The Pennsylvania Railroad Company and The New York Central Railroad Company alleging that the freight rate of 52 cents per net ton on sand and gravel from Scottsville to the Kodak Park switch, as set forth in G. O. P. S. C., 2 N. Y., 865, effective May 15, 1916, is unjust and unreasonable, and should be reduced to 32 cents per net ton. It is claimed that from February 23, 1915, to November 1, 1915, the rate on sand between said two points was 42 cents per net ton, and that when the complainants requested that the rate on gravel be reduced to the same amount, the respondents increased the rate on sand to 52 cents per net ton, making the rates on sand and gravel between said two points uniform. It is apparent that the basis for this complaint is the failure of the respondents to reduce the freight on gravel to 42 cents per net ton. In the year 1914 the complainants here brought before this Commission for review the freight rates between Scottsville and various points in and near Rochester, claiming that it should have substantially the same rate from Scottsville to these points as those made by the New York Central from Fishers, New York, to the same points. After investigation and hearing before this Commission, the parties agreed that the rate from Scottsville to the points in question, which included a two line haul, should be ten cents in excess of the one line haul on the New York Central from Fishers to said points, and an order was made on June 23, 1914, fixing the rate for three years. One of the points covered by that order was Barnard which takes the same rate as the Kodak Park switch, namely 50 cents per net ton. A hearing was held before the Commission in the city of Albany on August 4, 1916, at which time the complainant appeared by George F. Slocum, its attorney; and The Pennsylvania Railroad Company and The New York Central Railroad Company were represented by their attorneys, F. L. Ballard and J. M. Sternhagen, respectively. It appeared on the hearing that the Kodak Park switch is outside of the city of Rochester, and that the switching rates of the New York Central in the city of Rochester do not include the Kodak Park switch. No evidence was introduced to show that the situation at the present time with regard to rates is any different than it was in 1914, when the rates were determined by this Commission, except that since that time and as a result of the decision of the Interstate Commerce Commission in the Five Per Cent Case, the respondents have increased the rate to Barnard to 52 cents which is the rate now complained of. It also appeared that the rate of 42 cents per ton on sand was due to an error in the preparation of the tariffs. The representatives of the railroads claimed that the present rate of 52 cents per net ton is lower than it ought to be. The complainants having failed to introduce any evidence to prove that the rate of 52 cents between Scottsville and the Kodak Park switch was unjust and unreasonable, the Commission is unable to give the relief prayed for. It is therefore

Ordered: That the complaint be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 5628]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE DEPOSIT ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Tompkins, Delaware county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The Deposit Electric Company made application to this Commission on July 7, 1916, for permission to construct an electric plant in the town of Tompkins, Delaware county, and to exercise a franchise granted by the municipal authorities of said town. Proof of publication of notice of said application was duly filed with the Commission on July 26, 1916. The corporation is now operating in the incorporated villages of Deposit and Hancock, in the town of Deposit, and in the hamlets of Stilesville and Oquaga Lake, in the town of Sanford. There is no other corporation supplying electric energy for lighting, heating, and power purposes in the town of Tompkins. This Commission having determined that the construction of such electric plant and the exercise of the rights and privileges set forth in the franchise granted by the municipal authorities of the Town of Tompkins on June 6, 1916, are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to The Deposit Electric Company to construct, maintain, and operate an electric plant, with transmission and distribution lines, in the town of Tompkins, Delaware county, New York, and to exercise all the rights and privileges set forth in the franchise granted to it by the authorities of said town on June 6, 1916.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

630 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5088]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration of the crossing at grade of a state highway and the Delaware, Lackawanna and Western railroad near D., L. & W. Junction, in the town of Pavilion, Genesee county.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer upon the detail plans for the steel superstructure required to be erected pursuant to the determination of the Commission in the matter above entitled, it is

Ordered: That detail stress sheet, drawing B-6125, dated December 15, 1915, and marking diagram, sheet E-1, dated March 30, 1916, be and are hereby approved.

[Case No. 5308]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a first refunding and improvement mortgage, issue \$775,000 in 5 per cent 30-year gold bonds to be secured thereby, and to issue \$300,000 6 per cent cumulative preferred stock.

Supplemental
order.

By order herein dated the 11th day of April, 1916, the Binghamton Light, Heat and Power Company was authorized among other things to issue and sell, at not less than 87½ per cent of their face value and accrued interest, \$298,000 face value of its first refunding and improvement 5 per cent thirty-year gold bonds, and to use the proceeds thereof to the amount of \$77,300 for certain new construction detailed in subdivision (d) of ordering clause No. 6 of that order. By petition filed July 14, 1916, in case No. 5635, the Binghamton Light, Heat and Power Company prays for authority to use such sum of \$77,300 realized from the sale of bonds authorized in this proceeding for purposes enumerated and described in exhibits A and A-1 attached to the petition in case No. 5635, it appearing that since the entry of the order dated April 11, 1916, the plans of the petitioner relating to new construction for the calendar year 1916 have been changed so as to require additional funds to complete such new construction, the general plans for which are outlined in the exhibits above mentioned. Now therefore, upon the foregoing record,

Ordered: That the sum of \$77,300 authorized to be expended for new construction by order herein dated the 11th day of April, 1916, is hereby transferred to case No. 5635, "In the matter of the petition of the Binghamton Light, Heat and Power Company under section 69 of the Public Service Commissions Law for authority to issue \$258,000 in first refunding and improvement 5 per cent thirty-year gold bonds under an existing mortgage, and \$95,100 of 6 per cent cumulative preferred stock," and verified reports of the disposition of said sum so transferred shall be filed in that proceeding.

[Case No. 5373]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition under section 53 of the Public Service Commissions Law of NEW YORK STATE RAILWAYS for permission to construct a second track in Euclid avenue, Syracuse, and for approval of the exercise of franchises therefor received from the city.

The New York State Railways applies under section 53 of the Public Service Commissions Law for permission to begin construction of an additional track on Euclid avenue, in the city of Syracuse, and for the permission and approval of the Commission to the exercise of two separate franchises for that purpose. There is now a single track in Euclid avenue from College Place to Westcott street, and double tracks on the streets last named. The extension desired is for the purpose of making the double track continuous through Euclid avenue. On the hearing it appeared that it would be necessary to widen the pavement on Euclid avenue, and there was much opposition by property owners because of the additional expense thereby to be imposed upon them. Legislation of the current year affecting the city of Syracuse having removed that burden, there is no further opposition by property owners. The franchises are—

1. Granted by the common council April 26, signed by the mayor May 3, and approved by the board of estimate and apportionment May 5, 1915, granting consent to the New York State Railways, its successors and assigns, to construct, maintain, and operate an additional track on Euclid avenue, commencing at a point in Euclid avenue at the end of the present double track, said point being one hundred twenty-four and five-tenths (124.5) feet easterly from the center of College place, and running thence easterly along Euclid avenue two thousand two hundred and ten (2210) feet to a point one hundred (100) feet east of the easterly line of Lancaster avenue, and there connecting with the present track of the company, with the necessary turn-outs, connections, and switches; that permission and consent be given to the said New York State Railways, its successors and assigns, to erect poles and string the necessary wires and overhead equipment in and upon said street and along the route above designated, and operate over said track by any motive power which now or at any time hereafter may be lawfully used or employed on this route.

2. Granted by the common council November 8, signed by the mayor November 10, and approved by the board of estimate and apportionment November 17, 1915, granting permission to the New York State Railways, its successors and assigns, to construct, maintain, and operate an additional track on Euclid

avenue, commencing in Euclid avenue at a point one hundred (100) feet east of the east line of Lancaster avenue and there connecting with the double track as it is to be extended, and running from thence in an easterly direction along Euclid avenue to the intersection of Euclid avenue and Westcott street, and there connecting with the present double track of the company, with the necessary turnouts, connections, and switches; that permission and consent be given to the said New York State Railways, its successors and assigns, to erect poles and string the necessary wires and overhead equipment in and upon said street and along the route above designated, and operate over said track by any motive power other than locomotive steam power which now or at any time hereafter may be lawfully used or employed on this route.

It is determined and stated that the construction of said second track and the exercise of each of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate an additional track on Euclid avenue in accordance with the terms and provisions of the franchises aforesaid.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by each of said franchises, subject however to all the terms and conditions thereof.

[Case No. 5419]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of HAMMOND LIGHT AND POWER COMPANY, INC., under section 68 of the Public Service Commissions Law for permission to construct an electric plant and lines in the incorporated village of Hammond, St. Lawrence county, and for approval of the exercise of rights and privileges under a franchise therefor received from said village; and under section 69 of the Public Service Commissions Law for authority to issue \$10,000 common capital stock.

Also Joint Petition under section 70 of WILLIAM SOPER and HAMMOND LIGHT AND POWER COMPANY, INC.

This is a joint application by William Soper and Hammond Light and Power Company, Inc., asking the consent and approval of this Commission to the transfer of the electric light plant, works, and system owned by said Soper in the village of Hammond, Jefferson county, New York, to, and the purchase of the same by, Hammond Light and Power Company, Inc.; and for permission and approval to the Hammond Light and Power Company, Inc., to exercise a franchise granted to it by the Village of Hammond on March 12, 1915. Proof of publication of notice of this application was duly filed with the Commission on August 1, 1916. A hearing was held at the office of the Commission in the city of Albany on August 11, 1916, at which time George W. Reeves, esq., of Watertown, N. Y., appeared as attorney for the petitioner, and William Soper appeared in person. The electric light

plant in Hammond has been owned and operated by Mr. Soper for several years, and he has now arranged to transfer it to the Hammond Light and Power Company, Inc., and that corporation will continue to operate the property after the transfer is made. It is proposed to make material additions and improvements to the property in order to provide additional service in the village. There is no other company now engaged in supplying electricity in the village of Hammond. Upon the facts presented to the Commission, it seems proper to approve the application, and it is therefore

Ordered: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission be and the same hereby is given to the transfer and sale by William Soper to, and the acquisition by, the Hammond Light and Power Company, Inc., of all of the electric light plant, works, and system belonging to said William Soper, and which was operated by him in the village of Hammond at the date of the application herein, to wit March 1, 1916, or as of the date when the transfer was or is actually made.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and the same hereby are given to the Hammond Light and Power Company, Inc., to construct, maintain, and operate an electric plant in the village of Hammond, Jefferson county, New York, and to exercise all of the rights and privileges set forth in a franchise granted to it by the board of trustees of the Village of Hammond on March 12, 1915, subject to all the terms and conditions therein set forth.

[Case No. 5419]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of HAMMOND LIGHT AND POWER COMPANY, INC., under section 88 of the Public Service Commissions Law for permission to construct an electric plant and lines in the incorporated village of Hammond, St. Lawrence county, and for approval of the exercise of rights and privileges under a franchise therefor received from said village; and under section 69 of the Public Service Commissions Law for authority to issue \$10,000 common capital stock. Also Joint Petition under section 70 of WILLIAM SOPER and HAMMOND LIGHT AND POWER COMPANY, INC.

Petition filed February 7, 1916; supplemental petition filed March 1, 1916; report of division of light, heat, and power dated May 24, 1916; report of division of capitalization dated August 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Hammond Light and Power Company, Inc., is hereby authorized to issue \$10,000 of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$10,000.

2. That said stock of the total par value of \$10,000 so authorized, or the proceeds thereof to the amount of \$10,000, shall be used solely and exclusively for the acquisition of the electric plant located in the village of Hammond, N. Y., now owned by William Soper, including real estate, power house, and distributing system, as more particularly described in schedule A attached to

the petition herein, verified the 26th day of February, 1916; and for additions and betterments to be made to the plant and property above described as detailed in schedule C attached to the petition herein, \$10,000, in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized herein only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that the prices contained in schedules A and C of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations; (4) that the proceeds realized from the sale of stock herein authorized until used for the authorized purposes shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of stock proceeds from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of stock are authorized.

3. That the Hammond Light and Power Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized, and such report shall show for each of the said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the expenditures during such period by the prescribed accounts; (h) the amount remaining unexpended of the proceeds of stock sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (4) of ordering clause No. 2 of this order. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That this proceeding is continued on the records of this Commission until the property herein authorized to be purchased shall have been acquired and the new construction authorized to be done shall have been completed, and an allocation of the petitioner's property to the fixed capital accounts as pre-

scribed in the Uniform System of Accounts for Electrical Corporations shall have been submitted to and approved by this Commission.

5. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5454]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NORWICH GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$70,000 common capital stock.

Petition filed March 1, 1916; exhibit C, details of fixed capital expenditures January 1, 1913, to October 31, 1915, filed March 23, 1916; report of division of capitalization dated April 17, 1916; report of gas engineer dated April 25, 1916; report of electrical engineer dated June 28, 1916; final report of division of capitalization dated July 24, 1916; supplemental petition filed July 29, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated July 24, 1916, which on July 24, 1916, was sent to the corporation, such entries being listed on pages 20 to 22 inclusive thereof, shall be entered upon the books of the Norwich Gas and Electric Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the Norwich Gas and Electric Company is hereby authorized to issue \$61,500 par value of its common capital stock which shall be sold at not less than the par value thereof to give net proceeds of at least \$61,500.

3. That said stock of the total par value of \$61,500 so authorized, or the proceeds thereof to the amount of \$61,500, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income from January 1, 1913, to December 31, 1915, not obtained from the issue of stocks, notes, bonds, or other evidence of indebtedness of such corporation, for the acquisition of additions and betterments to its property and for the discharge of its indebtedness.....	\$15,202.99
(b) For the discharge and lawful refunding of its indebtedness outstanding at December 31, 1915, or the renewals thereof, as follows:	
Bills payable	\$12,216.56
Accounts payable	5,522.95
Accrued interest	1,416.67
Accrued taxes	1,494.18
Accrued interest	606.53
Accrued water	48.58
	<hr/>
	21,305.47
(c) For working capital	25,000.00
	<hr/>
	\$61,508.46
	<hr/>
Amount unprovided for.....	\$8.46

in so far as the same may be applicable, provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

4. That if the said stock of a total par value of \$61,500 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$61,508.46, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

5. That the Norwich Gas and Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivisions (b) and (c) of ordering clause No. 3 herein, there shall be shown the amount expended in reasonable detail of the proceeds for the purposes specified herein during such period and stating to what account or accounts under the Uniform Systems of Accounts for Gas and Electrical Corporations such expenditures have been charged; (f) the amount remaining unexpended of the proceeds of stock sold to be used for the purposes authorized herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the Norwich Gas and Electric Company is hereby authorized to sell \$61,500 par value of its common capital stock herein authorized to be issued to the Associated Gas and Electric Company.

7. That the Associated Gas and Electric Company is hereby authorized to acquire 615 shares each of the par value of \$100, aggregating the total par value of \$61,500, of the common capital stock of the Norwich Gas and Electric Company authorized to be issued herein.

8. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

9. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5488]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of T. J. SHIRLEY and WM. H. WAYNE *against* GENEVA, SENECA FALLS AND AUBURN RAILROAD COMPANY, INC., as to passenger fare charged between Cayuga Lake Park and the corporation line of Seneca Falls.

The Geneva, Seneca Falls and Auburn Railroad Company, Inc., operates lines of street cars in the city of Geneva, and from that city through the villages of Waterloo and Seneca Falls to Cayuga Lake Park. The fare from points in the village of Seneca Falls to Cayuga Lake Park has in the past been five cents. Effective March 1, 1916, a tariff was filed, P. S. C., 2 N. Y., No. 5, whereby from Labor Day to Memorial Day, both excluded, this fare was increased to ten cents. In other words, a new zone was established for that period of the year, beginning at the east village line of Seneca Falls, so that a five cent zone exists from the eastern line of the village to a point some distance west of the western village line, and another five cent zone from the eastern line of the village to Cayuga Lake Park. Complaint was made by patrons of the line against this increase, but as summer rates were about to take effect, and the company notified the Commission of its intention to apply for leave to discontinue winter operation altogether, the case has been held for hearing and consideration in connection with that application, herewith decided (case No. 5602). There is a very considerable summer population along the shore of Cayuga Lake at and near Cayuga Lake Park. In the Winter there are about twenty-five families residing in this neighborhood, besides five families along the line of the road between the Park and Seneca Falls. It is also stated that there is a considerable permanent population at Bridgeport and at Canoga, the one situated about one mile north and the other about three miles south of Cayuga Lake Park. It is hardly possible that the residents of these hamlets make any considerable use of the railroad in Winter. The evidence as to traffic is very meager, the most definite evidence presented being for the years 1914 and 1915, indicating an average of about nine passengers per trip from Labor Day until Memorial Day. If the period from November 31st to March 31st be taken, the average number of passengers was six and six-tenths. There has been no material change in traffic conditions for several years. While the Commission has determined in case No. 5602 that winter operation should be continued for the convenience of the permanent residents, the small amount of traffic during the Winter and the increased expense of operation warrant the imposition of an extra fare, but the period during which such extra fare should be imposed should be from November 1st to March 31st inclusive. It is therefore

Ordered: 1. That Geneva, Seneca Falls and Auburn Railroad Company, Inc., be and is hereby authorized and directed to charge a fare of five cents for each passenger carried between points east of its Kingdom station and Cayuga Lake Park and intermediate points between the 1st day of April and the 31st day of October each year; and from the 1st day of November to the 31st day of March each year to charge a like fare from points east of Kingdom to the east village line of Seneca Falls, and a like fare of five cents between the east line of the village of Seneca Falls and the terminus at Cayuga Lake Park and intervening points.

2. That said company have permission, on five days' notice, to file and publish tariffs in compliance with the above order:

3. That said company notify the Commission within twenty days of the service of this order concerning its acceptance thereof.

[Case No. 5534]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day
of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition under section 53 of the
Public Service Commissions Law of NEW YORK STATE
RAILWAYS for permission to construct a second track
in Oak street, Syracuse, and for approval of the exer-
cise of a franchise therefor received from the city.

The New York State Railways applies under section 53 of the Public
Service Commissions Law for permission to begin construction of an addi-
tional track on Oak street in the city of Syracuse, and for the permission and
approval of the Commission to the exercise of a franchise therefor. There
is now double track for a considerable distance in Oak street, and it is
desired to extend such double track about eight hundred eighty-five (885)
feet in order to facilitate car operation. On the hearing held after due
notice no opposition was presented to the application. The franchise was
granted by the common council March 13, 1916, approved by the mayor
March 15th, and by the board of estimate and apportionment April 4th. It
grants consent to the New York State Railways, its successors and assigns,
to construct, maintain, and operate an additional single track in Oak street,
in the city of Syracuse, New York, commencing at a point one hundred
sixty-two (162) feet north of the center line of Farmer street, being the
end of its present double track, and there connecting with said track, and
running thence northerly eight hundred eighty-five (885) feet on Oak street
to a point one hundred eight (108) feet north of the center line of Roby
street, and there connecting with the present track of the company, with
the necessary turnouts, connections, and switches; and to erect poles and
string the necessary wires and overhead equipment in and upon said street
and along the route above described, and operate over said track by any
motive power other than locomotive power which now or any time hereafter
may be lawfully used or employed on this route. It is determined and
stated that the construction of said second track and the exercise of said
franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given
to New York State Railways to construct, maintain, and operate an addi-
tional track on Oak street in accordance with the terms and provisions of
the franchise aforesaid.

2. That the permission and approval of the Commission be given to said
New York State Railways to exercise the rights and privileges conferred by
said franchise, subject however to all the terms and conditions thereof.

[Case No. 5602]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of GENEVA, SENECA FALLS AND AUBURN RAILROAD COMPANY, INC., under section 85 of the Railroad Law for permission to cease the operation of that part of its electric railroad between Garden street, in the incorporated village of Seneca Falls, and Cayuga Lake Park.

This is an application by the Geneva, Seneca Falls and Auburn Railroad Company, Inc., under section 85 of the Railroad Law for permission to cease operating from October 1st to April 30th each year, that part of its railroad from Garden street, in the village of Seneca Falls, to Cayuga Lake Park, a distance of 1.88 miles, the reason being that the revenue during that period is insufficient to pay operating expenses, and that the cost of keeping the line open in Winter is a severe financial burden. In September, 1911, a similar application was made (case No. 2530). After hearings and conferences it was withdrawn, at the suggestion of the Commission, it appearing that while winter operation was unprofitable, the convenience of a number of people was subserved thereby. December, 1913, a complaint was filed asking for additional service on this portion of the line during the Winter. The Commission, after a hearing, ordered that cars be operated in accordance with schedules fixed in the order, six round trips per day (case No. 4024). According to statements of counsel and the evidence on the hearing of the present case, there has been no material change in traffic conditions since the earlier cases, and no evidence has been adduced to justify a reversal of the Commission's former rulings. The portion of the line covered by the petition is operated during the summer months at a profit, and while winter operation is certainly not profitable, such evidence as has been presented indicates that there are carried, from Labor Day to Memorial Day exclusive, an average of about nine passengers for each trip. This indicates a substantial winter demand for the service. The excess of operating expenses over revenue is figured by the company at \$430.79 for the only year concerning which evidence was presented. This loss may be recouped by an increase in fares provided in case No. 5488, herewith decided. It is therefore

Ordered: That the application be and the same is hereby denied.

[Cases Nos. 5625, 5626]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of PUPILS RESIDING IN FRANKLIN, Delaware county, *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, asking that train No. 14 (passenger and milk) stop at Franklin. [Case No. 5625].

In the matter of the Complaint of RESIDENTS OF MAYWOOD, Delaware county, *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, asking that train No. 14 (passenger and milk) stop at Maywood. [Case No. 5626].

In the first of the above entitled cases, six school children residing at or near Franklin station, on the line of the New York, Ontario and Western Railway Company, petitioned the Commission to have train No. 14 stop at Franklin station to enable them to commute daily to and from Sidney, so they might attend the Sidney high school. In the other case, a petition is filed by numerous residents of Maywood station, or Sidney Center, on the line of the same railway, also asking to have train No. 14 stop at their station, claiming that they are without train service from the north from 11:53 a. m. until 8:08 p. m., although other trains pass through. A hearing was held at the office of the Commission in the city of Albany on August 8, 1916, at which time Mr. Herbert Preston, the superintendent of schools at Sidney, N. Y., appeared for the petitioners in both cases, and the railway company was represented by its attorney, Mr. C. L. Andrus. Maywood, or Sidney Center, and Franklin are eight and eleven miles respectively south of Sidney, on the line of the New York, Ontario and Western Railway Company. There are two other stations between Sidney and Maywood, and there are also two between Franklin and Walton. The petition in the Maywood case did not purport to be on behalf of school children, yet Mr. Preston stated that there were a few pupils at Maywood desiring to attend the Sidney high school. The petitioning pupils have not attended the Sidney high school prior to this time, but desire to go to the high school there, beginning in September of this year. About five miles from Franklin station is Franklin village, where there is a good high school. Ten miles south, at Walton, there is another high school, substantially equal in all respects to the one at Sidney. Pupils at Franklin and Maywood desiring to attend school at Sidney and commuting each day would arrive at Sidney shortly before 9 a. m. The school closes at 3:30 p. m., and there is no train back to Franklin and Maywood until 7:48 p. m. They could, however, go to the high school at Walton, arriving there about 8 a. m., and return to their homes on a train leaving Walton about 6:40 in the evening. There is no assurance that any specific number of pupils would attend the high school in either Sidney or Walton even though the train accommodations were better. School children get a commutation rate between Sidney and Franklin of $1\frac{1}{4}$ cents per mile, making the fare about 15 cents.

Train No. 14 is a milk train, carrying one coach and doing a local passenger business from Oswego to Sidney. The leaving time from Sidney is 3:35 p. m., and it is only scheduled to stop at three points south of Sidney. It is a fairly heavy train, and according to the evidence it is very desirable that it should not arrive in New York any later than the present schedule time which is 11:05 p. m. The road is up-grade all the way south from Sidney to Northfield, and when the train carries as many as 18 cars, which is sometimes the case, it might experience some difficulty in starting if a

stop were made at Maywood or Franklin. Both of these places are small communities in a rich farming country. There is no question but what several minutes would be added to the schedule running time if stops were made at the two points in question. Train No. 14 occasionally stops at Maywood to cut out a car of milk, but this is not done regularly, and the place where the stop is made is not convenient for passengers desiring to leave the train there. Before the present year, it has been necessary on numerous occasions to have a pusher on this train when a stop was made at Maywood. Probably, if this train were stopped at either Franklin or Maywood, the other stations along the road would demand similar accommodations, and this would cause serious inconvenience in the operation of this train.

These cases present a situation where the Commission would like if possible to find some way to give the relief requested without seriously interfering with the service of the railroad. The facts presented, however, do not seem to justify the Commission in ordering train No. 14 to make regular stops at Franklin and Maywood. The traffic which is offered is not in and of itself any inducement to the railroad from a business standpoint, and the starting and stopping of the train at these two places would probably cost far in excess of the revenue derived therefrom. It is true that an additional convenience would be afforded if these stops were made; but on the other hand, it is possible at the present time for pupils to attend the high school in either Sidney or Walton without difficulty, the only inconvenience being that they are obliged to remain in either one of the two places somewhat longer than they desire after the close of the afternoon session. It is possible to drive to the high school at Franklin village which would perhaps be more convenient than to go by train to either Sidney or Walton. The schedule of the railroad company must be made up with regard to the accommodation of all the people residing along its lines from terminal to terminal, and it invariably happens that some people along the road are discommoded by the leaving and starting time of certain trains. In view of the distances which the trains operate, however, this can not always be overcome. If sufficient traffic should ever develop at the local stations south of Sidney to warrant a local passenger train in the middle of the afternoon, the railroad company will undoubtedly provide the train. However, that situation does not now exist. Under the circumstances, therefore, we do not see how we could justify an order requiring train No. 14 to stop at Franklin or Maywood; and it is therefore

Ordered: That the application of the petitioners herein in each of these cases be and the same hereby is denied and the cases closed on the records of this Commission.

[Case No. 5635]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$258,000 in first refunding mortgage 5 per cent 30-year gold bonds under an existing mortgage, and \$95,100 of 6 per cent cumulative preferred stock.

Petition filed July 14, 1916; report of electrical engineer dated August 10, 1916; report of division of capitalization dated August 14, 1916; exhibit A-1 filed August 14, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Binghamton Light, Heat and Power Company is hereby authorized to issue \$258,000 face value of its 5 per cent thirty-year first refunding and improvement mortgage gold bonds under a certain indenture dated the 1st day of February, 1916, given to the Guaranty Trust Company of New York as trustee.

2. That of the said bonds of the total face value of \$258,000, \$158,000 face value thereof shall be sold for not less than 88½ per cent of their face value and accrued interest, to give net proceeds of at least \$139,830; and the remaining \$100,000 face value of bonds shall be sold for not less than 88 per cent of their face value and accrued interest, to give net proceeds of at least \$88,000: \$227,830.

3. That the Binghamton Light, Heat and Power Company is hereby authorized to issue \$95,100 par value of its 6 per cent cumulative preferred stock which shall be sold at a price not less than the par value thereof, to give net proceeds of at least \$95,100.

4. That said securities of the total par and face value of \$353,100, or the proceeds thereof to the amount of \$322,930, shall be used solely and exclusively for proposed expenditures for additions and betterments during the calendar year 1916, as detailed and described in exhibits A and A-1 attached to the petition herein, as follows:

(A) New Power House		
<i>Real estate:</i>		
Land.....	\$8,000	
Road and bridge.....	2,000	
		\$10,000
<i>Building:</i>		
Building.....	\$45,000	
Crane, hand operated.....	1,800	
Railroad siding, coal handling to power house.....	30,000	
		76,800
<i>Boiler room:</i>		
Boilers, erected.....	\$36,000	
Brick settings, erected.....	5,000	
Stokers and fans.....	17,000	
Air ducts.....	500	
Ash gates.....	300	
Ash cars and track.....	400	
Feed water heater, erected.....	1,300	
Boiler feed pumps, erected.....	8,000	
House pump and tank, erected.....	500	
Coal bunker and gates, erected.....	6,000	
Conveyor over bunker, erected.....	2,000	
Coal scales and supports, erected.....	1,500	
Coal shutes, erected.....	600	
Chimney and footing, erected.....	7,500	
		81,600
<i>Engine room:</i>		
Turbo generator, erected.....	\$33,000	
Condenser and pumps, erected.....	16,750	
Exciter, 85-kw.	1,500	
		51,250
<i>Piping:</i>		
High pressure steam.....	\$8,000	
Low pressure steam.....	3,000	
Boiler feed.....	2,000	
Bearing, cooling water.....	200	
Intake well and ducts.....	3,000	
		16,200
<i>Switchboard:</i>		
1 exciter panel.....	\$4,800	
1 generator panel.....		
1 totalizing panel.....		
1 station auxilliary panel.....	1,000	
1 step-up transformer panel.....	2,500	
2 22000-volt line panels and lightning arresters.....	1,600	
2 2300-volt feeder panels.....		9,900
Wiring, conduits, etc.....	\$2,500	
Transformers, 8 750-k.v.a., step-up.....	5,300	
Transformers for station lighting.....	400	
		8,200
		\$253,950

Contingencies at 5%.....	\$12,698	
Interest, 4%	10,158	
Superintendence, 1%	2,539	
Engineering at 6%.....	15,237	
Total overhead at 16%.....		40,632

Total for new plant..... \$294,582

(B) Sub-stations and Connecting Transmission and Distribution Lines

Sub-station and Equipment:

Land.....	\$2,500	
Outdoor steel structure and foundations....	1,000	
Step-down transformers	6,000	
2 lightning arresters.....	1,600	
Regulators in old power house.....	3,000	
Street lighting apparatus in power house..	3,000	
		\$17,100

Transmission Line:

New power house to sub-station..... 18,000

Distribution System:

1 2300-volt line out of new power house 1 ml.	\$1,500	
Connecting single-phase feeders to 3-phase feeders.....	1,540	
New poles and fixtures.....	2,250	
		5,290

Total overhead at 16%..... \$40,890
6,462

Total for sub-stations and connecting transmission and distribution lines 46,852

(C) Miscellaneous Additions and Betterments

Service and short line extensions.....	\$15,000	
Electric meters	7,500	
Distribution transformers	5,000	
Line extensions	8,000	
Lightning arresters and grounds.....	950	
Conduits under railroad bridges.....	3,000	
Transferring to joint poles.....	2,500	
Street lighting additions.....	1,500	
Meter testing apparatus.....	640	
Accounting department equipment.....	1,699	
Consumers' installations.....	300	
Automobile, line superintendent.....	275	
Linemen's truck	2,500	
Additions to storeroom.....	900	
Sundries.	1,000	
		\$50,764

Total overhead at 16%..... 8,122

Total for miscellaneous additions and betterments..... 58,886

Grand total of proposed expenditures for additions and betterments during the year 1916..... \$400,320

Total par and face value of securities herein authorized. \$322,930

Plus unexpended proceeds of bonds authorized in case No. 5308 for proposed capital expenditures, transferred hereto by order in that proceeding of even date herewith 77,300

400,230

Amount unprovided for \$90

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivisions (A), (B), and (C) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein

contained a sum less than an amount equal to the par and face value of the securities herein authorized, no portion of the proceeds of the securities herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations; (5) that the proceeds realized from the sale of securities herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of the proceeds of securities from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of securities are authorized.

5. That if the said securities of a total par and face value of \$353,100 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$323,020, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Binghamton Light, Heat and Power Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

7. That the Binghamton Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (f) a summary of the expenditures for each of said purposes during the period covered by the report; (g) a summary showing the expenditures during such period by the prescribed accounts; (h) the amount remaining unexpended of the proceeds of the securities sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (5) of ordering clause No. 4 of this order. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended or used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended or used the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Ordered: 1. That the first intermediate settlement entered into by The New York Central Railroad Company with the Village of Bronxville and the State of New York showing expenditures to the amount of \$95,452.91 properly and necessarily incurred by the railroad corporation to October 1, 1915, the Village of Bronxville to July 1, 1916, and the State of New York to May 1, 1916, in carrying out the Commission's order in the above entitled matter, be and is hereby approved; of which said amount the sum of \$78,872.10 has been expended by the village, the sum of \$15,846.01 has been expended by the railroad corporation, and the sum of \$734.80 by the State of New York; said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted conditionally by the Village of Bronxville with respect to the charges made by the railroad corporation as indicated by the signature and a letter dated August 3, 1916, from the village president. The approval of this Commission being, however, conditioned and is given upon the express understanding that a further adjustment of the charges made by the railroad corporation for "Engineering" shall if necessary be made either upon or prior to the final accounting.

Ordered: 2. That of the total amount of \$95,452.91 thus expended and herein accounted for, the share of and the amount chargeable to the State of New York is the sum of \$23,863.23, upon which it is entitled to a credit of \$734.80, expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said Village of Bronxville from funds appropriated for the elimination of grade crossings the sum of \$23,128.43.

contained a sum less than an amount equal to the par and face value of the securities herein authorized, no portion of the proceeds of the securities herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations; (5) that the proceeds realized from the sale of securities herein authorized, until used for the authorized purposes, shall be either deposited to the credit of the company in a special bank account or otherwise kept separately: the purpose and intent of this provision is to require the segregation of the proceeds of securities from the company's other cash so that a trial balance of the company's accounts at any time will show the extent to which its balance of cash is contracted for, for the purposes enumerated herein, for which the proceeds of securities are authorized.

5. That if the said securities of a total par and face value of \$353,100 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$323,020, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Binghamton Light, Heat and Power Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

7. That the Binghamton Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (f) a summary of the expenditures for each of said purposes during the period covered by the report; (g) a summary showing the expenditures during such period by the prescribed accounts; (h) the amount remaining unexpended of the proceeds of the securities sold to be used for the purposes authorized herein, which amount shall be the balance at that date in the special deposit which is to be established in accordance with the requirements of subdivision (5) of ordering clause No. 4 of this order. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended or used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended or used the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Ordered: 1. That the first intermediate settlement entered into by The New York Central Railroad Company with the Village of Bronxville and the State of New York showing expenditures to the amount of \$95,452.91 properly and necessarily incurred by the railroad corporation to October 1, 1915, the Village of Bronxville to July 1, 1916, and the State of New York to May 1, 1916, in carrying out the Commission's order in the above entitled matter, be and is hereby approved; of which said amount the sum of \$78,872.10 has been expended by the village, the sum of \$15,846.01 has been expended by the railroad corporation, and the sum of \$734.80 by the State of New York; said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted conditionally by the Village of Bronxville with respect to the charges made by the railroad corporation as indicated by the signature and a letter dated August 3, 1916, from the village president. The approval of this Commission being, however, conditioned and is given upon the express understanding that a further adjustment of the charges made by the railroad corporation for "Engineering" shall if necessary be made either upon or prior to the final accounting.

Ordered: 2. That of the total amount of \$95,452.91 thus expended and herein accounted for, the share of and the amount chargeable to the State of New York is the sum of \$23,863.23, upon which it is entitled to a credit of \$734.80, expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said Village of Bronxville from funds appropriated for the elimination of grade crossings the sum of \$23,128.43.

646 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the PUBLIC SERVICE CORPORATION OF LONG ISLAND under section 69 of the Public Service Commissions Law for authority to issue \$138,750 in first mortgage 5 per cent gold bonds under an existing mortgage, and \$67,100 common capital stock.

Petition filed May 21, 1915; hearing held June 14, 1915; supplemental petition filed February 12, 1916; hearing held August 16, 1916. Under date of July 1, 1915, an order was entered in this proceeding authorizing the Public Service Corporation of Long Island to issue \$377,000 face value of its 5 per cent thirty-year first mortgage bonds and \$107,000 par value of its common capital stock, and to use the proceeds of such securities for certain specific purposes in said order described, subject however to the limitations therein set forth. The order further provided that the proceeds of such securities could be used only for expenditures made before December 1, 1915, on the specified additions, betterments, and extensions for which such securities were therein authorized. By verified reports filed herein it appears that on December 31, 1915, of the stocks and bonds then authorized to be issued and sold, there remained unissued \$78,000 of stock and \$259,000 of bonds, and that of the proceeds of sales of stock and bonds which had actually been issued and sold there remained unused and in hand as of the last mentioned date the sum of \$10,792.46. Under date of February 12, 1916, the corporation petitioned the Commission to extend the period during which the proceeds of the securities authorized could be used, one year from December 1, 1915. In accordance with the requirements of ordering clause No. 7 of the aforesaid order, the accounts and properties of the petitioner have been examined by the representatives of the Commission, but the tentative report of the results of such examination has not been completed. Pending the completion of this report and its consideration, the determination by the Commission of all questions relative to the accounting by the petitioner for the expenditures of the proceeds of securities heretofore and herein authorized and the expenditures heretofore made and charged to fixed capital since the organization of the petitioner is reserved. At a hearing held at the office of the Commission in the city of Albany on August 16, 1916, the president of the corporation stated that it would be seriously prejudiced in the conduct of its affairs and would be unable to comply with its franchise obligations to its serious detriment and damage, if the Commission should refuse to permit the corporation to use the proceeds of the securities authorized by the order of July 1, 1915, during the year ending December 1, 1916, in payment for additions, extensions, and improvements made during such period. Upon the foregoing, and upon the agreement of the petitioner as entered in the minutes of said hearing of August 16, 1916, to comply with all the requirements of this Commission in this matter, and especially the order of July 1, 1915, and of the amendment thereof, it is

Ordered as follows: 1. That ordering clause No. 11 of the order herein dated July 1, 1915, be and the same is hereby amended to read as follows: "11. That the proceeds of stocks and bonds herein authorized shall only be used for expenditures made before December 1, 1916, for additions, betterments, and extensions to the extent and in the manner herein authorized, or for the payment of obligations incurred therefor prior to December 1, 1916."

2. That all questions relating to the accounting by the petitioner for the expenditures of the proceeds of securities herein authorized and for the expenditures heretofore made and charged to fixed capital since the organization of the petitioner be and they hereby are reserved for future determination by this Commission.

3. That the Public Service Corporation of Long Island shall within twenty days after September 1, 1916, file with this Commission a report giving full details as to the sale of securities and disposition of the proceeds thereof during the period from December 1, 1915, to August 31, 1916, and shall within twenty days after the first of each calendar month thereafter file for the preceding month a report verified by its president and its principal accounting officer showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended during the period covered by such report for each of the purposes for which the expenditures of such proceeds are authorized, and such report shall show to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for each of such purposes have been charged, giving all the details of any credits to fixed capital in connection with such expenditures, which aforesaid detail of expenditures of proceeds shall include verified copies of all vouchers, with supporting invoices, payrolls, material warrants, and all other evidences of the actual disbursements of such proceeds, including verified copies of journal entries, with a full explanation of the necessity therefor, reflecting and affecting the disbursements of the proceeds of the aforesaid securities. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported on and a total showing the expenditures to the end of the period.

4. From time to time as the company, its officers, agents, attorneys, or representatives, shall draw down or receive from the trustee under its first mortgage any proceeds derived from the sale of securities for the purposes set forth in this order and in the one of July 1, 1915, it shall file with this Commission a verified copy of each and every document presented to and filed with such trustee and required by it as a condition precedent to the payment of any of such proceeds to the company; and if such trustee shall require from time to time a detailed list or lists of the vouchers covering the expenditures made by the company, it shall also furnish this Commission with a verified copy of each and every such list.

5. That the company shall within ten days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 4982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LONG ISLAND
RAILROAD COMPANY under section 91 of the Railroad
Law for the discontinuance of the Riverhead Road
and Main Road highway grade crossings of its
railroad in the town of Southampton, Suffolk county,
and the construction of new pieces of highway and
one new crossing at grade.

All of the work required to be performed in accordance with the Com-
mission's amendatory order of June 26, 1916, in the matter above entitled
having been performed in a manner satisfactory to the railroad company, to
the Town of Southampton, and to this Commission, it is

Ordered: That the completed work be and is hereby approved.

[Case No. 5390]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of FRANK F. GILLET
under chapter 667 of the laws of 1915 for a certificate
of convenience and necessity for the operation of a
stage route by auto busses in the city of Ithaca and
in the city of Elmira, it being proposed that
the route shall also be operated between the city of
Ithaca and the city of Elmira.

Amendatory
order.

May 16, 1916, this Commission issued a certificate of convenience and
necessity to Frank F. Gillett for the operation by auto busses over certain
streets in the city of Ithaca and certain streets in the city of Elmira, to be
operated as a portion of a route between the city of Ithaca and the city of
Elmira. August 2, 1916, the municipal authorities of the city of Ithaca
amended the consent upon which the previous certificate was based, adding
to the streets in the city of Ithaca over which said bus lines should operate,
State street between Cayuga and Aurora streets, and Tioga street between
Seneca and State streets. Gillett now asks that his certificate of convenience
and necessity be amended in accordance with the amendment of said local
consent. A hearing was held in the city of Ithaca August 19, 1916, at
which William Hazlitt Smith appeared for the petitioner, and no one
appeared in opposition. It appears that the change in routeing is for the
convenience of the traveling public. It is therefore

Ordered: That said previous certificate be amended to read as follows:

Now, therefore, this Commission hereby certifies that public convenience
and necessity require the operation by Frank F. Gillett of a stage route by
auto busses as provided in the consents heretofore granted by the common

council of the City of Ithaca December 15, 1915, and the mayor and common council of the City of Elmira December 30, 1915, copies whereof are attached to the petition herein, over the following streets in said cities:

In the city of Ithaca: Aurora street between the south side of State street and Seneca street; Seneca street between Aurora street and Cayuga street; Cayuga street between Seneca street and Spencer street; and Spencer street between Cayuga street and the south line of the city of Ithaca; also in State street between Cayuga and Aurora streets, in Tioga street between Seneca and State streets.

In the city of Elmira: Grand Central avenue from the north line of the city of Elmira to Division street; Division street between Grand Central avenue and Lake street; Lake street between Division and East Water streets; East Water street between Lake and State streets; State street between East Water and East Market streets.

Said routes to be operated only as parts of a line from the city of Ithaca to the city of Elmira, but not to carry passengers locally from one point to another point within the city of Ithaca, nor from one point to another point within the city of Elmira. It is hereby provided that the fare to be charged by the applicant for transportation of passengers from the city of Elmira to the village of Horseheads, or from the village of Horseheads to the city of Elmira, and between intermediate points, shall not be less than the sum of twenty-five cents. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the cities of Ithaca and Elmira, and the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5478]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of the VILLAGE OF LONG BEACH (by the village counsel), Nassau county, against LONG BEACH POWER COMPANY as to price charged for lighting the streets by electricity.

Complaint having been made by the Village of Long Beach, Nassau county, against the Long Beach Power Company as to the price charged for lighting the streets of the village by electricity; and the matter having come on for a hearing before this Commission on the 14th day of April, 1916, and upon subsequent adjourned dates, when testimony and arguments were presented in support of and in opposition to the same complaint: the village contending that in determining the cost of certain of the street lamps to the village the company has charged to these lamps an excessive proportion of the cost of ducts which are used in part in connection therewith and in part in connection with the respondent's commercial lighting business, and that treating these lamps separately from the rest of the system their cost to the village should be materially reduced; and it having been shown on behalf of the respondent that when its plant was built in 1910, Long Beach was entirely undeveloped, that subsequent development has been slow, that the village of Long Beach now has a population of less than four hundred inhabitants who use electricity for commercial purposes, that the business of respondent has never reached the point where any return on the original investment is being earned, that the entire net income of respondent from operation

was in the year 1915 \$4867.70 which is wholly inadequate for the payment even of the outstanding interest charges of the respondent leaving out of account entirely any return to stockholders, that there is no way now open to respondent to increase its revenue or decrease its cost of operation, and that there has been no extravagance in the construction and maintenance of the plant; and the Commission, after careful inquiry into all the facts and circumstances submitted to it, being of the opinion that the amount charged by respondent for the so called \$30 lamps which are in question in this proceeding is not excessive or unreasonable, and that the theory of complainant as to how a proper charge for these lamps should be ascertained can not be accepted by the Commission as, under the circumstances of this case, correct, and that it would be an improper exercise of the powers of the Commission to order a reduction in the charge for these lamps at the present time; it is hereby

Ordered: That this complaint be and the same hereby is dismissed, and that the case be closed upon the records of the Commission.

[Case No. 5544]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of the SHELTER ISLAND BOARD OF TRADE against THE LONG ISLAND RAILROAD COMPANY, asking for better passenger train service.

Complaint having been made by the Shelter Island Board of Trade against The Long Island Railroad Company, asking for better passenger train service in the morning from New York city to Riverhead, Greenport, and Shelter Island; and the matter having come on for a hearing before this Commission on the 12th day of June, 1916, when both parties were present or represented, and evidence was taken and arguments made in support of and in opposition to the said complaint; and it appearing to the Commission that the situation complained of is one which relates particularly to the early spring and summer schedules of the respondent rather than to its fall and winter schedules, and that while a better morning train service between New York city and the points mentioned should be installed if possible next year during the spring months as hereinafter suggested, there is no urgent need for such service between now and next spring owing to the fact that the early morning travel between New York and the points mentioned is, and for the remainder of the year will continue to be, comparatively light; and the Commission being also of the opinion that a definite determination of the question raised by this complaint should, so far as this Commission is concerned, be deferred until shortly after the 1st of January, 1917, so that any order made in relation to the matter may become effective at the time that respondent's early spring schedules for 1917 go into operation: it appearing preferable to the Commission that a question of this kind, which in the judgment of the Commission relates to the future and not to the immediate present, shall finally be decided in the light of the conditions which may exist shortly before the proposed changes shall take effect rather than now, when it is impossible to foretell what the general conditions in respect to the business of respondent during the year 1917 will be; it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission with leave to the complainant however to reopen same

on ten days' notice to respondent at any time after the 1st of January, 1917; and with the suggestion to respondent on the part of the Commission that prior to January 1, 1917, it shall give careful consideration to the proposal that its train schedules for the spring of 1917 shall provide for a substantially better morning train between New York city and Shelter Island than the one which is now being operated; the Commission, as at present advised, being impressed with the view that if it can be arranged without injustice to respondent and to its patrons other than the present complainants, a train at least partly express in character should be operated during the spring time, and if possible also during the summer months, to provide for the needs of the large number of summer residents and seekers after summer homes at the eastern end of Long Island who require, during several months each year, a train which will enable them to leave New York early in the morning, which will give them a long enough time to transact their affairs and return to the city with reasonable comfort the same afternoon.

[Case No. 5612]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of WILLIAM R. WEBSTER
of the town of Petersburg, Rensselaer county,
against NEW YORK TELEPHONE COMPANY, asking
extension of line and the furnishing of telephone
service.

The complaint in this case was filed with the Commission on June 22, 1916. It was based on the alleged refusal of telephone company to install a telephone in the residence of the complainant. An answer was duly filed with the Commission by the respondent on July 14, 1916, setting forth in substance that the service desired by the petitioner would be furnished as soon as possible. The Commission is now advised by the attorney for the complainant that the lines of the respondent have been extended and that the complainant is now receiving the desired service, so that there is no necessity for the complainant proceeding further in this matter. It is therefore

Ordered: That this case be and the same hereby is closed on the records of this Commission.

652 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5624]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of RESIDENTS OF THE INCORPORATED VILLAGE OF SAG HARBOR, L. I., *against* THE LONG ISLAND RAILROAD COMPANY, alleging the unwarranted closing of Garden street in said village by said company.

Complaint having been made by certain residents of Sag Harbor, L. I., against The Long Island Railroad Company, alleging the unwarranted closing of Garden street in said village by said company; and the matter having come on for a hearing before this Commission on the 4th day of August, 1916, when both sides were represented and testimony and arguments were presented in support of and in opposition to the said complaint; and it having transpired at the said hearing that the only real question involved in the present proceeding is one as to which, in the opinion of the Commission, the Commission has no jurisdiction: a question, namely, as to the ownership of the strip of land which complainants contend is a public highway and a continuation of Garden street; while respondents assert that the property in question is not and never has been a public highway, but has belonged to them uninterruptedly and in fee simple for many years. The Commission being quite positive in its view that no order which it might make in a controversy of this kind would have any validity whatsoever, and that the point at issue must be submitted to a court having jurisdiction to try questions involving the title to real estate in order that a satisfactory settlement thereof may be arrived at, it is hereby

Ordered: That this complaint be and the same hereby is dismissed for want of jurisdiction, and that the case be and the same hereby is closed upon the records of the Commission.

[Case No. 5632]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of SAMUEL K. WOLCOTT under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Corning, it being proposed that the route shall also be operated between Corning and Bath.

Samuel K. Wolcott asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Corning, to be operated between said city and the village of Bath. The consent of the municipal authorities of the City of Corning was granted June 19, 1916, subject to certain terms and conditions. A public hearing was held at Ithaca

August 19, 1916, at which Guy W. Cheney appeared for the applicant, and R. F. Nicholls for the Corning and Painted Post Street Railway; E. A. Dahman appeared for the State Highway Department. There was no objection to the granting of the application except on behalf of the State Highway Department, which interposed a formal objection to the granting of more than one certificate over the same state highway. The Commission rules that it has no authority under the existing law over operation outside of cities. No passengers are to be carried from point to point within the city of Corning or between Painted Post and the city of Corning. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Samuel K. Wolcott of an auto bus route as provided in the consent heretofore granted by the common council of the City of Corning, a copy whereof is attached to the petition herein, from Dickinson House square and Pine street, west on Market street to State street, north on State and Bridge streets to Pulteney street, and west on Pulteney street to the city line, to be operated only as a part of a line from said city of Corning to the village of Bath, but not to carry passengers locally from one point to another point within said city of Corning. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Corning, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5657]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of HENRY D. KEYSER and CLARENCE C. MERRICK under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca, it being proposed that the route shall also be operated between Ithaca and the incorporated village of Watkins, and Watkins Glen.

Henry D. Keyser and Clarence C. Merrick ask for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca, as a part of a route to be operated between Ithaca and the incorporated village of Watkins, and Watkins Glen. The consent of the municipal authorities of the City of Ithaca was granted August 2, 1916, subject to certain terms and conditions. A public hearing was held at Ithaca August 19, 1916, at which John Alfred Kelly appeared for the applicants, and E. S. Dahmen for the State Department of Highways. There was no objection to the granting of the application except on behalf of the State Highway Department, which interposed a formal objection to the granting of more than one certificate over the same state highway. The Commission rules that it has no authority under the existing law over operation outside of cities. No passengers are to be carried from point to point within the city of Ithaca. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Henry D. Keyser and Clarence C. Merrick of an auto bus route as provided in the consent heretofore granted by the common council of the City of Ithaca, a copy whereof is attached to the petition herein, starting in State street

near the White & Burdick drug store, going thence easterly to Aurora street, returning thence in State street to Cayuga street, thence in Cayuga street to Seneca street, returning thence in Cayuga street to State street, thence in State street to Cliff street, thence in Cliff street to the northern city line, to be operated only as a part of a line from said city of Ithaca to the incorporated village of Watkins, and Watkins Glen, but not to carry passengers locally from one point to another point within said city of Ithaca. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Ithaca, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5658]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of PAUL S. EMMONS under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca, it being proposed that the route shall also be operated between Ithaca and the incorporated village of Spencer, Tioga county.

Paul S. Emmons asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca, as a part of a route to be operated between Ithaca and the incorporated village of Spencer, Tioga county. The consent of the municipal authorities of the City of Ithaca was granted August 2, 1916, subject to certain terms and conditions. A public hearing was held at Ithaca August 19, 1916, at which Edward H. Bostwick appeared for the applicant, and E. A. Dahmen for the State Highway Department. There was no objection to the granting of the application except on behalf of the State Highway Department, which interposed a formal objection to the granting of more than one certificate over the same state highway. The Commission rules that it has no authority under the existing law over operation outside of cities. No passengers are to be carried from point to point within the city of Ithaca. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Paul S. Emmons of an auto bus route as provided in the consent heretofore granted by the common council of the City of Ithaca, a copy whereof is attached to the petition herein, starting in State street between Cayuga and Tioga streets, going thence westerly to State street to Cayuga street, thence to Spencer street, thence in Spencer street to the south city line, as a part of such motor vehicle route between the city of Ithaca and the village of Spencer, to be operated only as a part of a line from said city of Ithaca to the incorporated village of Spencer, but not to carry passengers locally from one point to another point within said city of Ithaca. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Ithaca, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5663]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of August, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of FRANK F. GILLETT under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca, it being proposed that the route shall also be operated between Ithaca and the incorporated village of Watkins, Schuyler county.

Frank F. Gillett asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Ithaca, as a part of a route to be operated between Ithaca and the incorporated village of Watkins, Schuyler county. The consent of the municipal authorities of the City of Ithaca was granted August 2, 1916, subject to certain terms and conditions. A public hearing was held at Ithaca August 19, 1916, at which William Hazlitt Smith appeared for the applicant, and E. A. Dahmen for the State Highway Department. There was no objection to the granting of the application except on behalf of the State Highway Department, which interposed a formal objection to the granting of more than one certificate over the same state highway. The Commission rules that it has no authority under the existing law over operation outside of cities. No passengers are to be carried from point to point within the city of Ithaca. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Frank F. Gillett of an auto bus route as provided in the consent heretofore granted by the common council of the City of Ithaca, a copy whereof is attached to the petition herein, in State street between Cayuga and Aurora streets, in Aurora street between State and Seneca streets, in Seneca street between Aurora and Cayuga streets, in Tioga street between Seneca and State streets, in Cayuga street between Seneca and Spencer streets, in Spencer street to the south city line, to be operated only as a part of a line from said city of Ithaca to the incorporated village of Watkins, but not to carry passengers locally from one point to another point within said city of Ithaca. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Ithaca, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

Special Permission Tariffs, August, 1916.

No. 6128; August 1, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application of date July 31, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity tariff on Refuse Stone, carloads, minimum weight marked capacity of car but in no case less than forty thousand pounds, said tariff to establish rate of fifty-eight cents per two thousand pounds to apply from Rock Glen, N. Y., over its line via Silver Springs, N. Y., and the Buffalo, Rochester and Pittsburgh railway

to Warsaw, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3649, effective August 7, 1916.

No. 6129; August 1, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application of date July 31, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than August 5, 1916, a local and joint tariff on Crushed Stone, carloads, minimum weight sixty thousand pounds, said tariff to cancel tariff P. S. C., 2 N. Y., No. 3637, filed to take effect September 5, 1916, and reissue without change the rates contained so far as they apply to New York state traffic from Otisville, N. Y., to stations on Erie railroad and New Jersey and New York railroad.

Completed by P. S. C. No. 3650, effective August 5, 1916.

No. 6130; August 1, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 1, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff on Ice, carloads, minimum weight as per Official Classification, said tariff to establish rate of one dollar per two thousand pounds to apply from Albany, N. Y., to Cherry Valley, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3302, effective August 3, 1916.

No. 6131; August 1, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date July 31, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff schedule establishing on Woodpulp and Woodpulp Screenings, carloads, minimum weight forty thousand pounds, a rate of six and three-tenths cents per hundred pounds from Piercesfield, N. Y., over its line to Utica, N. Y., and over its line and that of the West Shore railroad to Frankfort, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2861, effective August 14, 1916.

No. 6132; August 2, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 2, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint and proportional freight tariff on Broken or Crushed Stone, in gondola, hopper gondola, or flat cars, carloads, said tariff to cancel tariff P. S. C., 2 N. Y., No. 3291, and reissue the rates without change other than to Albany, N. Y., and establish rate of forty-two cents per two thousand pounds to Albany, N. Y., for local delivery, and also rate of forty-seven cents per two thousand pounds to Albany, N. Y., to apply on shipments destined beyond by water transportation lines with which no through rates are in effect, including discharge to boats through Albany trestle. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3304, effective August 3, 1916.

No. 6133; August 3, 1916; R. N. Collyer, Agent:

Ordered: That under his application of August 2, 1916, R. N. Collyer, agent for carriers, duly authorized to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date not earlier than September 1, 1916, a supplement to his P. S. C., 2 N. Y., O. C. No. 43, Official Classification; said supplement to cancel item 5, page 260, of said tariff, and substitute therefor the description for Government Supplies and the ratings applying thereto as stated in said application and made part of this permission.

Completed by supplement No. 10 to P. S. C. O. C. No. 43, effective September 1, 1916.

No. 6134; August 4, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date August 4, 1916, R. N. Collyer, agent, duly authorized by various carriers to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than thirty days' notice and to become effective not earlier than September 15, 1916, a supplement to his P. S. C., 2 N. Y., O. C. No. 43, said supplement to cancel, as to New York state traffic, supplement No. 7 to said tariff, and establish on Chains: Belting or Sprocket, Steel, Machine Finished, the rating shown in said application.

Completed by supplement No. 11 to P. S. C. O. C. No. 43, effective September 15, 1916.

No. 6135; August 4, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 2, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its commodity freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish on Ice, carloads, minimum weight fifty thousand pounds, a rate of one dollar and fifteen cents per two thousand pounds from White Lake, N. Y., to Saranac Lake, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 22 to P. S. C. N. Y. C. No. 65, effective August 12, 1916.

No. 6136; August 4, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date August 3, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a local commodity tariff applying on Sand and Gravel, carloads, minimum weight sixty thousand pounds, from and to all stations on the Delaware and Northern railroad at rate of eighteen cents per two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 169, effective August 19, 1916.

No. 6137; August 4, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date August 2, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff G. O., P. S. C., 2 N. Y., No. 865, said supplement to establish on Sand and Gravel, carloads, minimum weight as per Official Classification, the following rates in cents per two thousand

pounds from Scottsville, N. Y., to Middleport, N. Y., 74; to Gasport, N. Y., and Lockport, N. Y., 79. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to G. O. P. S. C. No. 865, effective August 12, 1916.

No. 6138; August 5, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date August 3, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, an amendment to its tariff of restrictions, P. S. C., 2 N. Y., No. 2697, on less than one day's notice, for the purpose of changing, as to New York state traffic, Note 6 therein, to read: "Less carload shipments of Casein (milk curd), crude, will be accepted from October 15th to May 14th, inclusive, in bags, when the shipping order or shipping receipt bears notation 'Casein (milk curd), crude, covered by this shipping order has been sterilized and contains not more than 60 per cent water'. Shipments not in accordance with the above will not be accepted in bags. From May 15th to October 14th, less than carload shipments of Casein (milk curd), crude, will only be accepted when in good strong barrels or airtight containers." Said amendment to cancel and supersede on its effective date supplement No. 1 to said tariff filed to take effect August 23, 1916. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 2697, effective August 23, 1916.

No. 6139; August 7, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its commodity freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2329, said supplement to establish on Sand and Gravel, carloads, minimum weight eighty thousand pounds, from North Tonawanda, N. Y., to LaSalle, N. Y., Echota, N. Y., Niagara Falls, N. Y., and Suspension Bridge, N. Y., a rate of thirty-two cents per two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2329, effective August 10, 1916.

No. 6140; August 7, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its joint commodity freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2117, said supplement to establish on Peaches, carloads, minimum weight sixteen thousand pounds, from Williamson, N. Y., over its line and the West Shore railroad via Mortimer, N. Y., and the Erie railroad to Geneseo, N. Y., a rate of thirty-one and five-tenths cents per one hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 31 to P. S. C. N. Y. C. No. 2117, effective August 19, 1916.

No. 6141; August 8, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date August 7, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff schedule establishing rate of five dollars per car on Ice, from Webster-Citizens Ice Company No. 1, Lime Lake, N. Y., to Queen City Dairy Company, Lime Lake, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 9 to S. S. P. S. C. No. 871, effective August 16, 1916.

No. 6142; August 9, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application of date August 8, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff establishing a rate of sixty-three cents per two thousand pounds on Gravel and Sand, carloads, minimum weight sixty thousand pounds, from East Corning, N. Y., over the Erie railroad via Bath, N. Y., and the Bath and Hammondsport railroad to Hammondsport, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3651, effective August 14, 1916.

No. 6143; August 10, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 9, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2117, establishing a rate of one dollar and five cents per ton of two thousand pounds on Crushed Stone, Crushed Stone Screenings, and Crushed Stone Coated with Oil or Asphaltum, carloads, minimum weight sixty thousand pounds, from Akron Falls, N. Y., over the New York Central and West Shore railroads via Mortimer, N. Y., and the Erie railroad to Avon, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 31 to P. S. C. N. Y. C. No. 2117, effective August 19, 1916.

No. 6144; August 10, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 9, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 484, establishing a rate of one dollar and five cents per two thousand pounds on Crushed Stone, Crushed Stone Screenings, and Crushed Stone Coated with Oil or Asphaltum, carloads, minimum weight sixty thousand pounds, from Akron, N. Y., over the West Shore railroad via Mortimer, N. Y., and the Erie railroad to Avon, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. W. S. No. 759, effective August 17, 1916.

No. 6145; August 10, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date August 9, 1916, and because of decisions rendered by the Interstate Commerce Commission in cases 7139 and 8201, R. N. Collyer, agent, duly authorized by various carriers to publish and file Official Classification, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to his P. S. C., 2 N. Y., O. C. No. 43, establishing on not less than one day's notice and under an effective date of August 15, 1916, the same ratings and regulations as to Cigarettes and Cigars now shown in item 5, pages 17 and 18, and item 1, pages 18 and 19, of supplement No. 10 to said Official Classification heretofore issued to become effective October 1, 1916; also establishing, on not less than ten days' notice and under an effective date of September 1, 1916, the same ratings and regulations as to Bases, Back Bar or Bottle Case (Saloon or Barber Shop); Cabinets, n. o. s.; Cases, n. o. s.; and Store or Office Fixtures; now shown in item 4, page 14; items 1 and 6, page 16; items 6 and 7, page 28; items 1 to 8, page 29; and items 1 to 4, page 30, of supplement No. 10 above mentioned.

Further Ordered: That the supplement hereinabove authorized shall be issued with expiration date of September 30, 1916, and show that ratings and regulations on said commodities will thereafter be as contained in supplement No. 10 to P. S. C., 2 N. Y., O. C. No. 43.

Completed by supplement No. 12 to P. S. C. O. C. No. 43, effective August 21 and September 1, 1916.

No. 6146; August 11, 1916; Boston and Maine Railroad:

Ordered: That under its application of date August 10, 1916, the Boston and Maine Railroad is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to its passenger tariff P. S. C., 2 N. Y., No. 230, and freight tariff P. S. C., 2 N. Y., No. 572, for the purpose of canceling, as to New York state traffic, on not less than one day's notice but under an effective date not later than August 28, 1916, said tariff P. S. C., 2 N. Y., No. 230, and supplement No. 1 to said tariff P. S. C., 2 N. Y., No. 572, such cancellation supplements to contain reference to schedules in which rates and charges will thereafter be found.

Completed by supplement No. 3 to P. S. C. No. 230, filed August 23, 1916; and supplement No. 4 to P. S. C. No. 572, filed August 21, 1916.

No. 6147; August 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff establishing a rate of seventy-four cents per two thousand pounds on Building Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Boonville, N. Y., to Sackets Harbor, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2872, effective August 16, 1916.

No. 6148; August 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish a rate of sixty-three cents per two thousand pounds on Ice, carloads.

minimum weight fifty thousand pounds, from Sodus, N. Y., to Rochester (Kent Street and Portland Avenue stations), N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 23 to P. S. C. N. Y. C. No. 65, effective August 18, 1916.

No. 6149; August 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and effective not earlier than September 8, 1916, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2847, said supplement to establish a rate of twelve and seven-tenths cents per one hundred pounds on Tar, in barrels or drums, carloads, minimum weight forty thousand pounds, from Brooklyn, N. Y., New York, N. Y., and other shipping points named in tariff to points of destination as named in tariff bearing Index Nos. 315 to 1779 inclusive.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2847, effective September 8, 1916.

No. 6150; August 12, 1916; Boston and Maine Railroad:

Ordered: That under its application of date August 11, 1916, the Boston and Maine Railroad is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff schedule establishing a rate of two dollars and thirty-two cents per two thousand pounds on Brick, carloads, minimum weight to be specified in such schedule, from Mechanicville, N. Y., over the Boston and Maine railroad via Rotterdam Junction, N. Y., and the New York Central railroad to Fulton Chain, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 723, effective August 19, 1916.

No. 6151; August 11, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date August 11, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 845, said supplement to establish on Brick and Clay Products, carloads, as per list and carload minimum weights shown in tariff G. O. P. S. C., 2 N. Y., No. 845, a rate of ninety-five cents per two thousand pounds from Olean, N. Y., over the Pennsylvania railroad and the Buffalo, Rochester and Pittsburgh railway to Bocks Siding, N. Y., and Standard Sewer Pipe Works, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to G. O. P. S. C. No. 845, effective August 24, 1916.

No. 6152; August 14, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said supplement to make no change other than to further postpone, as to New York state traffic, the taking effect of rules 13 and 13 (a) as shown on page six of supplement No. 6 to said tariff from August 29,

1916, until February 28, 1917, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, regulations, and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules, and by supplemental order dated June 26, 1916, having made a corresponding postponement of said rules pending hearing and decision thereon.

It is further Ordered: That to admit of changes in rates being made during the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by supplement No. 16 to P. S. C. N. Y. C. No. 2483, filed August 22, 1916.

No. 6153; August 14, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 12, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 667, said supplement to make no other change than to further postpone, as to New York state traffic, the taking effect of rules 14 and 14 (a) as shown on page five of supplement No. 5 to said tariff from August 29, 1916, until February 28, 1917, unless otherwise ordered by the Commission. This permission is granted for the purpose of preserving uniformity as to the rates, charges, and regulations and practices of the carrier as applied to New York state and interstate traffic, the Interstate Commerce Commission, I. & S. Docket No. 833, having entered upon a hearing concerning the propriety of the increases and the lawfulness of the rates, charges, regulations, and practices stated in said rules, and by supplemental order dated June 26, 1916, having made a corresponding postponement of said rules pending hearing and decision thereon.

It is further Ordered: That to admit of changes in rates being made during the ordinary course of business during the period of postponement, the tariffs remaining in effect as a result of such postponement may be further amended without regard to the Commission's rule limiting the volume of supplemental matter which effective supplements in the aggregate may contain.

Completed by supplement No. 15 to P. S. C. W. S. No. 667, filed August 22, 1916.

No. 6154; August 15, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date August 14, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff establishing a rate of nine and one-half cents per hundred pounds on Horses, carloads, minimum weight twenty thousand pounds, from East Branch, N. Y., to Margaretville, N. Y.; and a rate of twenty-two cents per hundred pounds on Horses, less carloads, minimum weight for each horse two thousand pounds, with minimum charge of five dollars and twenty-five cents for each shipment, in either direction between East Branch, N. Y., and Margaretville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 170, effective August 21, 1916.

No. 6155; August 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 14, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity freight tariff establishing, on not less than one day's notice, a rate of fifty-eight cents per two thousand pounds on Building Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Syracuse, N. Y., over the New York Central railroad to Lyons, N. Y.; also from Syracuse, N. Y., over the New York Central and West Shore railroads to Lyons, N. Y. Said tariff to expire with close of business September 11, 1916, and show reference to P. S. C., 2 N. Y., N. Y. C. No. 2855, as the tariff in which rates will thereafter be found.

Completed by P. S. C. N. Y. C. No. 2875, effective August 19, 1916.

No. 6156; August 16, 1916; Rutland Railroad Company:

Ordered: That under its application of August 15, 1916, the Rutland Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 330, such supplement to cancel said tariff on or before August 29, 1916.

Completed by supplement No. 3 to P. S. C. No. 330, filed August 26, 1916.

No. 6157; August 16, 1916; Rutland Railroad Company:

Ordered: That under its application of date August 15, 1916, the Rutland Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 329, such supplement to cancel said tariff on or before August 29, 1916.

Completed by supplement No. 3 to P. S. C. No. 329, filed August 26, 1916.

No. 6158; August 16, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date August 15, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity freight tariff, and establish therein a rate of fifty cents per two thousand pounds on Sand, carloads, minimum weight sixty thousand pounds, from Harvard, N. Y., over the Delaware and Northern railroad via East Branch, N. Y., and the New York, Ontario and Western railway to Roscoe, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 171, effective August 21, 1916.

No. 6159; August 17, 1916; The Delaware, Lackawanna and Western Railroad Company:

This special permission not used.

No. 6160; August 17, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date August 16, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not later than September 12, 1916, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 1151, said supplement to make no change in fares or regulations contained in tariff except to change the selling dates of special excursion tickets to Naples, N. Y., now reading September 12, 13, and 14, 1916, to read September 13, 14, and 15, 1916, and the final limit on which such tickets shall be good for return transportation now reading September 15, 1916, to read September 16, 1916.

Completed by supplement No. 1 to P. S. C. No. 1151, effective September 13, 1916.

No. 6161; August 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application of date August 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of August 26, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., L. S. No. 145, such supplement to amend note No. 38, page 50, of said tariff to provide, as to New York state traffic, for application of rates from stations Fredonia, N. Y., to Fentonville, N. Y., index Nos. 401 to 412 inclusive, as shown on page 34 of tariff, to New York state stations named in The New York, Chicago and St. Louis Railroad Company's East Bound Rate Bases and Billing Instructions, P. S. C., 2 N. Y., No. 557, rates so made applicable to be the same as those now applicable and contained in applicant carrier's tariff P. S. C., 2 N. Y., L. S. No. 7.

Completed by supplement No. 2 to P. S. C. L. S. No. 145, effective August 26, 1916.

No. 6162; August 18, 1916; Eugene Morris, Agent:

Ordered: That under his application of date August 16, 1916, Eugene Morris, agent for various carriers, is hereby authorized to publish and file, on not less than sixty days' notice to the public and the Commission, a tariff of revised class rates in the form proposed in said application, said tariff to apply between points in the State of New York located in Central Freight Association Territory, including points located in territory east thereof which are influenced by the rates applying from and to Buffalo, N. Y., and to conform with all the requirements of the Public Service Commissions Law and the rules of this Commission established thereunder, except that instead of indicating by the use of symbols the increases to be effected thereby, to show in lieu thereof on the title-page of such tariff substantially the following:

"This tariff contains many increases and reductions which are due to a general revision of the class rates between points in Central Freight Association Territory (as described on pages 13 to 20 both inclusive of Agent Morris' T. D. No. 3-B, I. C. C. No. 526, P. S. C., 2 N. Y., No. 21, as amended or reissued) substantially on a mileage basis, subject to a uniform relationship between all classes using sixth class as the base, which facts render it impracticable to show individual changes by symbols."

No. 6163; August 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff establishing a switching charge of three dollars and fifty cents per car applicable at Carthage, N. Y., on Pulpwood from siding of St. Regis Rossing Mill to siding of the Carthage Sulphite and Paper Company. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2879, effective August 24, 1916.

No. 6164; August 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff

establishing a rate of thirty-two cents per two thousand pounds on Cinders, carloads, minimum weight fifty thousand pounds, from Carthage, N. Y., to Great Bend, N. Y. This permission is void unless the schedule filed thereunder is received by the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2878, effective August 23, 1916.

No. 6165; August 19, 1916; Erie Railroad Company:

Ordered: That under its application of date August 18, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff establishing a rate of fifty-three cents per two thousand pounds on Sand, carloads, minimum weight sixty thousand pounds, from East Corning, N. Y., to Watkins, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 3559, effective August 23, 1916.

No. 6166; August 19, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date August 17, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff establishing a rate of forty-two cents per two thousand pounds on Ice, carloads, minimum weight forty thousand pounds, from Orchard Park, N. Y., to Buffalo, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1283, effective August 23, 1916.

No. 6167; August 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 17, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and under an effective date not earlier than September 12, 1916, a supplement to its local and joint freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2855, for the purpose of correcting clerical error, eliminating on page 13 the rates now shown as applicable on Building Sand, carloads, from Marcy, N. Y., to Amsterdam, N. Y., Maple View, N. Y., and Mallory, N. Y., and establishing on the same commodity, carloads, minimum weight sixty thousand pounds, from Calcium, N. Y., to Amsterdam, N. Y., rate of one dollar and five cents per two thousand pounds, and to Maple View, N. Y., and Mallory, N. Y., rate of sixty-three cents per two thousand pounds.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2855, effective September 12, 1916.

No. 6168; August 21, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application of date August 19, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a commodity tariff on Ice, in carloads, minimum weight fifty thousand pounds, from Jamestown, N. Y. (when originating at points on the Jamestown, Westfield and Northwestern railroad), to Cattaraugus, N. Y., Gowanda, N. Y., Hamburg, N. Y., Lawtons, N. Y., and Salamanca, N. Y., at rate of fifty cents per ton of two

thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 10 to P. S. C. No. A-508, effective August 29, 1916.

No. 6169; August 21, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 19, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish on Ice, in carloads, minimum weight fifty thousand pounds, from Middleport, N. Y., to East Buffalo, N. Y., Carroll Street, Erie Street, Ohio Street, and Louisiana Street stations, Buffalo, N. Y., and Black Rock, N. Y., a rate of sixty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 24 to P. S. C. N. Y. C. No. 65, effective August 28, 1916.

No. 6170; August 21, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 19, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Sand and Gravel, in carloads, minimum weight sixty thousand pounds, from Boonville, N. Y., over its line via Utica, N. Y., and the New York, Ontario and Western railway to Kirkland, N. Y., at rate of eighty-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2881, effective August 25, 1916.

No. 6171; August 21, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 19, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Pulp, Sulphite and Wood, in carloads, minimum weight as per Official Classification, from Morrisonville, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to Black River, N. Y., Brownville, N. Y., Carthage, N. Y., Dexter, N. Y., Felts Mills, N. Y., Watertown, N. Y., Canton, N. Y., and Potsdam, N. Y., at rate of thirteen and seven-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3309, effective August 23, 1916.

No. 6172; August 21, 1916, Carl Howe, Agent:

Ordered: That under his application of date August 21, 1916, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a revision of page seventy of said tariff, his P. S. C., 2 N. Y., No. 2, said revised page to further postpone, as to New York state traffic, the taking of effect of Rules 14 and 14 (a), and explanation of reference mark "figure 2 in circle," as shown on sixth revised page seventy

of said tariff, from August 29, 1916, until February 28, 1917, unless otherwise ordered by the Commission. This permission is void unless the tariff schedule herein authorized is filed with the Commission on or before August 29, 1916.

Completed by supplement No. 10 to P. S. C. No. 2, filed August 23, 1916. No. 6173; August 22, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East)):

Ordered: That under its application of date August 21, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish rate on Ice, in carloads, minimum weight fifty thousand pounds, from White Lake, N. Y., to Tupper Lake Junction, N. Y., and Tupper Lake, N. Y., of ninety-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 24 to P. S. C. N. Y. C. No. 65, effective August 28, 1916.

No. 6174; August 22, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 21, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Ice, in carloads, minimum weight fifty thousand pounds, from Cazenovia, N. Y., to Oneida Castle, N. Y., at rate of ninety-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 805, effective August 28, 1916.

No. 6175; August 23, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 22, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2762, said supplement to be issued in lieu of supplement No. 10, rejected by the Commission, and to reissue the matter contained without change except as to rates applying on Brick: Building, Hollow, and Paving, carloads, from East Syracuse, N. Y., to Clayville, N. Y., and to establish on same notice rate of one dollar and thirty-two cents per ton of two thousand pounds to apply on Brick: Building, Hollow, and Paving, carloads, minimum weight fifty thousand pounds, from East Syracuse, N. Y., via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to Clayville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 11 to P. S. C. N. Y. C. No. 2762, effective August 30, 1916.

No. 6176; August 24, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 24, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one

day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3118, said supplement to establish rate of ten and five-tenths cents per hundred pounds on Paper, Blank Wall, in carloads, minimum weight as per Official Classification, from Glens Falls, N. Y., and Hudson Falls, N. Y., to Plattsburgh, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 32 to P. S. C. No. 3118, effective August 25, 1916.

No. 6177; August 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and effective not earlier than September 15, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2861, for the purpose of correcting errors therein, said supplement to amend page four, changing rate on Wood Pulp and Wood Pulp Screenings from Black River, N. Y., to Massena Springs, N. Y., from 5.4 cents to 5.3 cents per hundred pounds; also to amend page six, adding rate of 6.3 cents per hundred pounds to apply on Wood Pulp and Wood Pulp Screenings from Piercefield, N. Y., to Gabriels, N. Y., Lake Kushequa, N. Y., Loon Lake, N. Y., and Mountain View, N. Y.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2861, effective September 15, 1916.

No. 6178; August 24, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 23, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local passenger tariff of special one-way party fares from Plattsburgh, N. Y., to Chazy, N. Y., account of trip of attendants at military instruction camp at Plattsburgh, N. Y., said tariff to provide for the sale on August 31, 1916, only, of a special party ticket for not less than twenty-five hundred persons at rate of twenty cents per capita, such ticket to be valid only on special train on date of sale. This permission is void unless the schedule issued thereunder is filed with the Commission on or before August 30, 1916.

Completed by P. S. C. No. 1507, effective August 28, 1916.

No. 6179; August 25, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 24, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone, in carloads, minimum weight marked capacity of car, but in no case less than forty thousand pounds, from Cobleskill, N. Y., over its line via Albany, N. Y., and the New York Central railroad to Castleton, N. Y., and Schodack Landing, N. Y., at rate of ninety-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3310, effective August 28, 1916.

No. 6180; August 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 24, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local com-

modity tariff applying on Marble Waste, carloads, minimum weight twenty tons of twenty-two hundred and forty pounds each, from Richville, N. Y., to Syracuse, N. Y., at rate of seventy-nine cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2889, effective September 1, 1916.

No. 6181; August 26, 1916; Rutland Railroad Company:

Ordered: That under its application of date August 25, 1916, the Rutland Railroad company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity tariff applying on Gravel, in carloads, minimum weight sixty thousand pounds, from Norfolk, N. Y., over the Norwood and St. Lawrence railroad via Norwood, N. Y., and the Rutland railroad to North Lawrence, N. Y., at rate of seventy-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 798, effective September 1, 1916.

No. 6182; August 26, 1916; New York State Railways (Utica Lines):

Ordered: That under its application of date August 25, 1916, the New York State Railways (Utica lines) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, a local passenger tariff of round-trip fares from various stations on its line to Summit Park, N. Y., and return, effective September 7, 1916, and on each Thursday and Saturday thereafter, said tariff to establish the fares including and exclusive of admission to Summit Park, as shown in application hereby made part of this permission.

Completed by P. S. C. No. U-12, effective September 7, 1916.

No. 6183; August 28, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 25, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective not earlier than September 9, 1916, a passenger tariff of local and joint temporary excursion fares, said tariff to contain schedules of fares from stations on the West Shore railroad in New York state to Syracuse State Fair Grounds, N. Y., and return; also one-way and round-trip fares between Syracuse, N. Y., and State Fair Grounds, N. Y., and one-way fares from State Fair Grounds, Syracuse, N. Y., to stations on West Shore railroad west of Syracuse, N. Y., account of State Fair, with a regulation governing the addition of fifty cents to adult tickets and twenty-five cents to half-fare tickets for admission to such Fair when such admission is desired, the schedules of fares and the rules and regulations as to dates of sale, return limits, etc., to be as per exhibit attached to said application and hereby made part of this permission.

Completed by P. S. C. W. S. No. 81, effective September 9 to 16, inclusive, 1916.

No. 6184; August 29, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date August 28, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from Mechanicstown, N. Y., over

its line via Burnside, N. Y., and the Lehigh and Hudson River railway to Warwick, N. Y., at rate of eighty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3320, effective September 1, 1916.

No. 6185; August 30, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2686, said supplement to establish rate of thirteen cents per hundred pounds on Lumber, Lath, and Shingles, in carloads, minimum weight as per official classification in effect at the time of shipment, from Childwold, N. Y., over its line via Albany, N. Y., and the Williams Line of steamers to New York, N. Y., and points in New York harbor as specified on page three of tariff. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2686, effective September 4, 1916.

No. 6186; August 31, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date August 30, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff applying on Sand, carloads, minimum weight sixty thousand pounds, from Harvard, N. Y., over its line via East Branch, N. Y., and the New York, Ontario and Western railway to Livingston Manor, N. Y., at rate of sixty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 174, effective September 4, 1916.

No. 6187; August 31, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 30, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from South Utica, N. Y., to Oneida Castle, N. Y., and Canastota, N. Y., at rate of fifty-eight cents per ton of two thousand pounds, and to Syracuse, N. Y., at rate of eighty-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 815, effective September 7, 1916.

No. El.-16; August 21, 1916; Northern Westchester Lighting Company:

Ordered: That under its application of date August 19, 1916, the Northern Westchester Lighting Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, an amendment to its General Schedule of Electricity, P. S. C., 2 N. Y., No. 1, said amendment to be issued as original leaf No. 22, service classification No. 16, and to provide rates for service as set forth in exhibit attached to said application and made part of this permission. This permission also authorizes the issuance of proper revised leaves Nos. 2 and 2-A.

index to service classifications, and will be void unless the schedules issued thereunder are filed with the Commission within ten days from the date hereof.

Completed by 4th revised leaves Nos. 2 and 2-A, and original leaf No. 22, effective August 27, 1916.

No. El.-17; August 21, 1916; Fulton Light, Heat and Power Company:

Ordered: That under its application of date August 19, 1916, the Fulton Light, Heat and Power Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice an amendment to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, said amendment to be issued as first revised leaf No. 20, service classification No. 15, and to provide for change in rates as set forth in exhibit attached to said application and made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by 1st revised leaf No. 20, effective August 22, 1916.

No. G-6; August 22, 1916; Crystal City Gas Company:

Ordered: That under its application of date August 19, 1916, the Crystal City Gas Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than September 1, 1916, an amendment to its General Schedule for Gas, P. S. C., 2 N. Y., No. 1, said amendment to be issued as original leaf No. 7, and establish as service classification No. 2 the rates, rules, and regulations applicable to all consumers for limited period service for fuel, light, or power, as set forth in exhibit attached to said application and made part of this permission.

Completed by original leaf No. 7 to P. S. C., 2 N. Y., No. 1, effective September 1, 1916.

672 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 (now section 91) of the Railroad Law as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad (lessor) extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company as indicated by letter from the manager of Grand Central Terminal Improvements, and upon a similar recommendation from the Bronx Parkway Commission as indicated by letter dated September 1st from its engineer and secretary, it is

Ordered: That a contract form, specifications, and detail plans covering the construction of a viaduct over the tracks of the New York and Harlem railroad at Broad street, Mount Vernon, authorized in the Commission's order in the matters above entitled dated December 16, 1915, be and are hereby approved.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

On account of the refusal of Francis Curnan, the contractor to whom the contract for the grading, paving, and other work was let, with the approval of this Commission by order of August 8, 1916, to proceed with the work as shown by copy of letter on file dated August 21, 1916, and The New York

Central Railroad Company having requested this Commission to approve the next lowest proposal, that of Thomas J. Martin, and such approval being satisfactory to the Town of Rhinebeck, it is

Ordered: 1. That the order of August 8, 1916, approving the unit prices of Francis Curnan, be and it is hereby rescinded.

2. That the unit price proposal submitted by Thomas J. Martin as shown upon canvass sheet of bids on file be and the same is hereby approved by this Commission.

[Case No. 4611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5459 (route 5, section 7) shall cross the tracks of the Ulster and Delaware railroad in the town of Roxbury, Delaware county.

Upon the recommendation of The Ulster and Delaware Railroad Company, as indicated by the signature of its president upon a revised general plan showing the construction of an overgrade crossing pursuant to the determination of the Commission in the matter above entitled, dated July 6, 1915, and upon the approval of the State Commission of Highways as similarly indicated by the approval signatures on said plan of the first deputy commissioner and the secretary, it is

Ordered: That said revised general plan dated August 10, 1916, be and it is hereby approved.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction. under orders of this Commis-

sion heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on July 26, 1916, determined and directed that the present grade crossings of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway by Brown street, in the city of Rochester, shall be closed and discontinued, and that the highway traffic at the points mentioned shall be diverted to under-grade crossings to be constructed according to certain plans approved by this Commission and under its direction; and the total cost of such elimination and change having been estimated at the sum of \$400,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$100,000; now therefore it is

Ordered: That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$322,000), there shall now be segregated and set apart to the credit of grade crossing case No. 5005 above entitled, the sum of \$100,000, to meet the State's share of the cost of the elimination in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 5616]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the **GENESEE VALLEY AUTO CLUB**, by E. E. Doty, president, and E. F. Youngs, secretary, *against* **ERIE RAILROAD COMPANY** as to protection at a crossing at grade of the Mount Morris branch of said railroad and Spring street, in the incorporated village of Avon, Livingston county.

In this case the complaint was filed by the Genesee Valley Auto Club on June 26, 1916, alleging that the crossing at grade of Spring street, in the village of Avon, N. Y., by the Mount Morris branch of the Erie railroad is very dangerous, in view of the heavy traffic on this highway over this crossing in question, and that suitable protection should be provided at such crossing. In due course an answer was filed by the Erie Railroad Company denying that public safety required the protection of said crossing by gates or otherwise. A hearing was held by the Commission in this matter at the village office in Avon on August 28, 1916, at 10 a. m. The complainant was represented by Edward A. Noble, and the respondent by Hon. Charles D. Newton and A. M. Hartung. Some of the officials of the complainant, representatives of the State Highway Department, and interested citizens were also present. Spring street in Avon is the main road south from Avon and is an improved highway. There is a very heavy traffic on this highway and over the crossings in question during the summer time, principally by automobiles. The Erie Railroad Company operates cars electrically on its Mount Morris branch which crosses over Spring street at grade. There have been several accidents at this place, and also several narrow escapes from accidents there. The situation can be materially improved by cutting down a few old trees on the northwesterly and southeasterly sides of this crossing, and if this is done

travelers on the highway will be able to see approaching trains much better. There is a flag station immediately south of the highway crossing, but many of the electric cars do not stop at this flag station. The electric trains whistle for the crossing quite some distance away from it and at the whistling posts which were originally located for steam trains. The bell on the electric train does not ring when approaching and passing over the highway. It will probably make this particular crossing much safer if the whistle on the electric trains is blown nearer to the crossing, and if the bell on the train is sounded from some distance each side of the crossing to and over the crossing, and the trains are slowed down to say fifteen miles an hour approaching to and passing over the highway. There are no warning signs on the highway to notify automobilists that they are approaching this crossing. There ought to be such signs at a reasonable distance from the crossing, and this will improve conditions from a safety standpoint. Active coöperation by the residents of the village, the automobile club, and the people owning the land adjacent to the crossing will make it possible to render this crossing much safer for the traveling public, and it is the hope of the Commission that there will be such coöperation. It is therefore

Ordered: 1. That the Erie Railroad Company operate its north- and south-bound electric trains on its Mount Morris branch over the Spring Street crossing, in the village of Avon, N. Y., at a speed of not exceeding fifteen miles an hour.

2. That the said Erie Railroad Company shall issue an order requiring the whistle on such electric trains to be blown approximately seven hundred and fifty feet distant from such crossing, or at such other point somewhat nearer or farther as will best serve to warn persons in vehicles approaching the Spring Street crossing.

3. That the Erie Railroad Company shall also issue an order requiring the bell on such electric trains to be rung continuously approaching to and passing over the said Spring Street crossing.

4. That the respondent notify the Commission within fifteen days from the receipt of this order if it accepts the same and will comply in all respects with the terms thereof.

[Case No. 5653]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ELMIRA WATER, LIGHT AND RAILROAD COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the towns of Montour and Catherine, and the incorporated village of Odessa, Schuyler county, electric plant or plants, including poles, wires, pipes, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under franchises therefor received from municipal authorities.

The Elmira Water Light and Railroad Company asks permission to construct an electric plant or plants in the towns of Montour and Catherine, and the incorporated village of Odessa, Schuyler county, and the approval of

day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3118, said supplement to establish rate of ten and five-tenths cents per hundred pounds on Paper, Blank Wall, in carloads, minimum weight as per Official Classification, from Glens Falls, N. Y., and Hudson Falls, N. Y., to Plattsburgh, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 32 to P. S. C. No. 3118, effective August 25, 1916.

No. 6177; August 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than ten days' notice and effective not earlier than September 15, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2861, for the purpose of correcting errors therein, said supplement to amend page four, changing rate on Wood Pulp and Wood Pulp Screenings from Black River, N. Y., to Massena Springs, N. Y., from 5.4 cents to 5.3 cents per hundred pounds; also to amend page six, adding rate of 6.3 cents per hundred pounds to apply on Wood Pulp and Wood Pulp Screenings from Piercefield, N. Y., to Gabriels, N. Y., Lake Kushequa, N. Y., Loon Lake, N. Y., and Mountain View, N. Y.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2861, effective September 15, 1916.

No. 6178; August 24, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 23, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local passenger tariff of special one-way party fares from Plattsburgh, N. Y., to Chazy, N. Y., account of trip of attendants at military instruction camp at Plattsburgh, N. Y., said tariff to provide for the sale on August 31, 1916, only, of a special party ticket for not less than twenty-five hundred persons at rate of twenty cents per capita, such ticket to be valid only on special train on date of sale. This permission is void unless the schedule issued thereunder is filed with the Commission on or before August 30, 1916.

Completed by P. S. C. No. 1507, effective August 28, 1916.

No. 6179; August 25, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date August 24, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone, in carloads, minimum weight marked capacity of car, but in no case less than forty thousand pounds, from Cobleskill, N. Y., over its line via Albany, N. Y., and the New York Central railroad to Castleton, N. Y., and Schodack Landing, N. Y., at rate of ninety-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3310, effective August 28, 1916.

No. 6180; August 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 24, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local com-

modity tariff applying on Marble Waste, carloads, minimum weight twenty tons of twenty-two hundred and forty pounds each, from Richville, N. Y., to Syracuse, N. Y., at rate of seventy-nine cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2889, effective September 1, 1916.

No. 6181; August 26, 1916; Rutland Railroad Company:

Ordered: That under its application of date August 25, 1916, the Rutland Railroad company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity tariff applying on Gravel, in carloads, minimum weight sixty thousand pounds, from Norfolk, N. Y., over the Norwood and St. Lawrence railroad via Norwood, N. Y., and the Rutland railroad to North Lawrence, N. Y., at rate of seventy-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 798, effective September 1, 1916.

No. 6182; August 26, 1916; New York State Railways (Utica Lines):

Ordered: That under its application of date August 25, 1916, the New York State Railways (Utica lines) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, a local passenger tariff of round-trip fares from various stations on its line to Summit Park, N. Y., and return, effective September 7, 1916, and on each Thursday and Saturday thereafter, said tariff to establish the fares including and exclusive of admission to Summit Park, as shown in application hereby made part of this permission.

Completed by P. S. C. No. U-12, effective September 7, 1916.

No. 6183; August 28, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 25, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective not earlier than September 9, 1916, a passenger tariff of local and joint temporary excursion fares, said tariff to contain schedules of fares from stations on the West Shore railroad in New York state to Syracuse State Fair Grounds, N. Y., and return; also one-way and round-trip fares between Syracuse, N. Y., and State Fair Grounds, N. Y., and one-way fares from State Fair Grounds, Syracuse, N. Y., to stations on West Shore railroad west of Syracuse, N. Y., account of State Fair, with a regulation governing the addition of fifty cents to adult tickets and twenty-five cents to half-fare tickets for admission to such Fair when such admission is desired, the schedules of fares and the rules and regulations as to dates of sale, return limits, etc., to be as per exhibit attached to said application and hereby made part of this permission.

Completed by P. S. C. W. S. No. 81, effective September 9 to 16, inclusive, 1916.

No. 6184; August 29, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date August 28, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from Mechanicstown, N. Y., over

its line via Burnside, N. Y., and the Lehigh and Hudson River railway to Warwick, N. Y., at rate of eighty-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3320, effective September 1, 1916.

No. 6185; August 30, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date August 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2686, said supplement to establish rate of thirteen cents per hundred pounds on Lumber, Lath, and Shingles, in carloads, minimum weight as per official classification in effect at the time of shipment, from Childwold, N. Y., over its line via Albany, N. Y., and the Williams Line of steamers to New York, N. Y., and points in New York harbor as specified on page three of tariff. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2686, effective September 4, 1916.

No. 6186; August 31, 1916; Delaware and Northern Railroad Company:

Ordered: That under its application of date August 30, 1916, the Delaware and Northern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a joint commodity tariff applying on Sand, carloads, minimum weight sixty thousand pounds, from Harvard, N. Y., over its line via East Branch, N. Y., and the New York, Ontario and Western railway to Livingston Manor, N. Y., at rate of sixty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 174, effective September 4, 1916.

No. 6187; August 31, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date August 30, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from South Utica, N. Y., to Oneida Castle, N. Y., and Canastota, N. Y., at rate of fifty-eight cents per ton of two thousand pounds, and to Syracuse, N. Y., at rate of eighty-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 815, effective September 7, 1916.

No. El.-16; August 21, 1916; Northern Westchester Lighting Company:

Ordered: That under its application of date August 19, 1916, the Northern Westchester Lighting Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, an amendment to its General Schedule of Electricity, P. S. C., 2 N. Y., No. 1, said amendment to be issued as original leaf No. 22, service classification No. 16, and to provide rates for service as set forth in exhibit attached to said application and made part of this permission. This permission also authorizes the issuance of proper revised leaves Nos. 2 and 2-A.

index to service classifications, and will be void unless the schedules issued thereunder are filed with the Commission within ten days from the date hereof.

Completed by 4th revised leaves Nos. 2 and 2-A, and original leaf No. 22, effective August 27, 1916.

No. El.-17; August 21, 1916; Fulton Light, Heat and Power Company:

Ordered: That under its application of date August 19, 1916, the Fulton Light, Heat and Power Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice an amendment to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, said amendment to be issued as first revised leaf No. 20, service classification No. 15, and to provide for change in rates as set forth in exhibit attached to said application and made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by 1st revised leaf No. 20, effective August 22, 1916.

No. G-6; August 22, 1916; Crystal City Gas Company:

Ordered: That under its application of date August 19, 1916, the Crystal City Gas Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than September 1, 1916, an amendment to its General Schedule for Gas, P. S. C., 2 N. Y., No. 1, said amendment to be issued as original leaf No. 7, and establish as service classification No. 2 the rates, rules, and regulations applicable to all consumers for limited period service for fuel, light, or power, as set forth in exhibit attached to said application and made part of this permission.

Completed by original leaf No. 7 to P. S. C., 2 N. Y., No. 1, effective September 1, 1916.

672 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 (now section 91) of the Railroad Law as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad (lessor) extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company as indicated by letter from the manager of Grand Central Terminal Improvements, and upon a similar recommendation from the Bronx Parkway Commission as indicated by letter dated September 1st from its engineer and secretary, it is

Ordered: That a contract form, specifications, and detail plans covering the construction of a viaduct over the tracks of the New York and Harlem railroad at Broad street, Mount Vernon, authorized in the Commission's order in the matters above entitled dated December 16, 1915, be and are hereby approved.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

On account of the refusal of Francis Curnan, the contractor to whom the contract for the grading, paving, and other work was let, with the approval of this Commission by order of August 8, 1916, to proceed with the work as shown by copy of letter on file dated August 21, 1916, and The New York

Central Railroad Company having requested this Commission to approve the next lowest proposal, that of Thomas J. Martin, and such approval being satisfactory to the Town of Rhinebeck, it is

Ordered: 1. That the order of August 8, 1916, approving the unit prices of Francis Curnan, be and it is hereby rescinded.

2. That the unit price proposal submitted by Thomas J. Martin as shown upon canvass sheet of bids on file be and the same is hereby approved by this Commission.

[Case No. 4611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5459 (route 5, section 7) shall cross the tracks of the Ulster and Delaware railroad in the town of Roxbury, Delaware county.

Upon the recommendation of The Ulster and Delaware Railroad Company, as indicated by the signature of its president upon a revised general plan showing the construction of an overgrade crossing pursuant to the determination of the Commission in the matter above entitled, dated July 6, 1915, and upon the approval of the State Commission of Highways as similarly indicated by the approval signatures on said plan of the first deputy commissioner and the secretary, it is

Ordered: That said revised general plan dated August 10, 1916, be and it is hereby approved.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction. under orders of this Commis-

reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5638]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held at the office of the Commission, No. 58 North Pearl street, Albany, 7th September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaints of SARAH GREEN, JOSEPH KEHN, GILBERT D. BEEBE, and ELLEN F. KILMER *against* WYNANTSKILL HYDRO-ELECTRIC COMPANY for unreasonable neglect to furnish electric current for lighting, and to exercise its franchises generally.

It appearing from the complaints of the persons above named that the Wynantskill Hydro-Electric Company neglects and refuses to supply them with electric current for lighting, it is

Ordered: That the Wynantskill Hydro-Electric Company appear before the Commission at its office, No. 58 North Pearl street, in the city of Albany, on Monday, September 11, 1916, at 11 o'clock in the forenoon, and show cause (a) why it should not be required to furnish electricity for lighting to Sarah Green, Joseph Kehn, Gilbert D. Beebe, and Ellen F. Kilmer, forthwith, in accordance with their applications heretofore made to said corporation; (b) why it should not exercise its franchises in the towns of Sand Lake and North Greenbush, Rensselaer county, pursuant to the order of the Commission dated 1st August, 1911, made in case No. 2446, entitled "In the matter of the application of the Wynantskill Hydro-Electric Company under sections 68 and 69 of the Public Service Commissions Law for permission to commence construction and exercise a franchise and issue stock".

[Case No. 5642]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE WESTCHESTER STREET RAILROAD COMPANY under section 184 of the Railroad Law for approval of the declaration of abandonment of a portion of its constructed route in the town of Greenburgh, Westchester county.

The Westchester Street Railroad Company having filed for approval a declaration of abandonment of a portion of its route in the town of Greenburgh, known as the Mount Calvary line, together with a petition for leave to carry such abandonment into effect; and notice of a public hearing upon

the said application having been duly given, in accordance with the rules of the Commission, and affidavits of the publication of said notice in certain newspapers designated by the Commission having been duly filed; and the public hearing thus duly advertised having been held on the 25th day of August, 1916, at the office of the Commission in the city of New York, at which hearing representatives of the petitioner were present, and also the attorney for the town board of the Town of Greenburgh, the township in which the strip of track sought to be abandoned is situated; and evidence having been presented in support of the said application, showing among other things that the line in question has virtually been abandoned for over a year, and that there is no longer any public demand for such line, and that for some time prior to its abandonment it was operated at a heavy loss; and that the approaching completion of a state road along the strip of track in question, and the inauguration of jitney service to Calvary Cemetery, has rendered the continuance of service on this stretch of track wholly unnecessary; and no one appearing in opposition to the application for leave to abandon same; and the attorney for the Town of Greenburgh having on behalf of the said town stated that the said town would not be justified in opposing the said application; and the Commission being of the opinion, under all the circumstances, that the said application should be granted, it is hereby

Ordered: That the petition of said The Westchester Street Railroad Company for approval of declaration of abandonment of that portion of its constructed route in the town of Greenburgh known as the Mount Calvary line, being in length about 1.14 miles, be and the same hereby is granted, and that the Secretary of the Commission be directed to indorse such approval upon said certificate as provided by section 184 of the Railroad Law; and that the case be closed upon the records of the Commission.

[Case No. 5646]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 7th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the SCHENECTADY POWER COMPANY and HOOSAC RIVER ELECTRIC LIGHT AND POWER COMPANY under section 70 of the Public Service Commissions Law for consent that the first named may acquire additional stock of the second named, and may merge the second named under section 15 of the Stock Corporation Law.

Petition filed July 26, 1916; supplemental petition filed August 4, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Schenectady Power Company is hereby authorized to acquire and hold ten shares of common capital stock of the Hoosac River Electric Light and Power Company, of the par value of \$100 each, now outstanding, which stock is now held in the names of the directors of said corporation, and was in fact owned by said Schenectady Power Company prior to January 1, 1910, provided there shall be no expense other than such taxes as may be imposed on transfers of stock attached to the acquisition of said stock from the directors of said corporation.

2. That the purchase and acquisition by the Schenectady Power Company in the years 1910 and 1911 of one hundred and fifty shares of common capital

stock of the Hoosac River Electric Light and Power Company, of the par value of \$100 each, aggregating a total par value of \$15,000, be and the same hereby is authorized *nunc pro tunc*, the said Hoosac River company having set forth in its petition verified February 15, 1910, asking for permission to issue said stock, in case No. 1514, that it intended to sell the same to the Schenectady Power Company at par, and the record in said case shows that said corporation reported to the Commission from time to time the sale of said stock and that it had been sold to the said Schenectady Power Company.

3. That the Hoosac River Electric Light and Power Company is hereby authorized to transfer and sell all of its assets, property, rights, privileges, and franchises to the Schenectady Power Company, and this Commission hereby permits and approves of the transfer to and the acquisition by the Schenectady Power Company of all of the assets, property, rights, privileges, and franchises of the Hoosac River Electric Light and Power Company.

4. That the Schenectady Power Company and Hoosac River Electric Light and Power Company are hereby permitted to merge, and such merger is approved, and consent is hereby given to the exercise by the Schenectady Power Company of all the rights, privileges, and franchises of the Hoosac River Electric Light and Power Company; and within thirty days after such merger shall have become effective the Schenectady Power Company shall file with this Commission a verified report setting forth the exact date of such merger.

5. That the merger of the Schenectady Power Company and the Hoosac River Electric Light and Power Company shall be recorded by the consolidation of like accounts as represented upon the books of the petitioners.

6. That the authority contained in this order is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days from the service hereof the Schenectady Power Company and Hoosac River Electric Light and Power Company shall file with the Commission a satisfactory, verified stipulation duly authorized by their boards of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

[Case No. 5652]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 7th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of EDWARD STETSON GRIFFING, as mayor of the City of New Rochelle, against NEW YORK AND STAMFORD RAILWAY COMPANY and THE WESTCHESTER ELECTRIC RAILROAD COMPANY as to the first named company's cars reaching the New York, New Haven and Hartford Railroad station in Railroad Place, in New Rochelle.

Complaint having been made by the Hon. Edward Stetson Griffing, as mayor of the City of New Rochelle, against the New York and Stamford Railway Company and The Westchester Electric Railroad Company for non-operation of the first named company's cars over the tracks of the last named company on Railroad Place, in said city of New Rochelle; and a hearing upon said complaint having been held at the office of the Commission in the city

of New York on the 1st day of September, 1916, at which said hearing the Hon. W. S. Inglis, acting mayor of New Rochelle; Henry R. Childs, councilman of the said city; F. M. Walker, F. W. Thurman, Wm. B. Gray, Parker Shackleton, and George L. Cade, as individuals and members of civic bodies in New Rochelle, were present on behalf of complainant; and Edward A. Maher, vice-president and general manager of The Westchester Electric Railroad Company; William B. Wheeler, superintendent of the said company; Eugene F. McKinley, attorney for the New York and Stamford Railway Company, and J. B. Potter, manager of said New York and Stamford Railway Company, were present in respondents' behalf; and the fact having been brought out at the said hearing that operation of the cars in question in the manner proposed would be inaugurated as soon as a small section of new double tracking on the line of The Westchester Street Railroad Company on Main street, for which an application for a franchise is now pending before the common council of the City of New Rochelle, has been completed; and it appearing further that the city authorities of New Rochelle, and also the citizens present at the hearing, are now in entire agreement upon the proposition, that until such franchise has been granted and the work completed it would not be desirable or proper for this Commission to make an order directing the operation of the cars of the New York and Stamford Railway Company over the tracks in Railroad Place, such operation being impracticable at the present time; and the parties present at said hearing being in substantial accord with the view that a closing order in the case might now properly be entered, leaving the matter to be adjusted between the interested parties as soon as the double tracking above referred has been completed: all the interested parties having agreed as aforesaid that when this has been done the cars of the New York and Stamford railway will be operated in the manner requested over the tracks belonging to The Westchester Electric Railroad Company on Railroad Place; it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 2371]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of transit conditions in the city of Amendatory
Syracuse and adjacent territory. order.

On December 21, 1915, this Commission made an order amending its order of May 25, 1911, in certain respects. Paragraph 4 of said first mentioned order provided that the time within which the company was to purchase and place in operation twenty-five (25) new double-truck cars should be extended to September 1, 1916. The corporation has filed with this Commission under date of September 8, 1916, a verified petition setting forth the efforts which it has made to comply with the Commission's order relating to said new cars. It satisfactorily appearing to the Commission that the corporation has endeavored in good faith to comply with the order of the Commission relative to said cars, and that the present delay in placing them in operation is not due to any cause within its control, it is

Ordered: That the time within which the corporation shall purchase and place in operation the twenty-five (25) new double-truck cars provided for in paragraph 10 of the order of May 25, 1911, be and the same hereby is extended to October 1, 1916.

686 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2772]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law, alleging that public safety requires the elimination of highway grade crossings of the Erie Railroad and of the Lehigh Valley Railroad by a highway known as state route No. 4, section No. 9, in the town of Barton, Tioga county.

Ordered: 1. That an accounting entered into by the Erie Railroad Company with the State Commission of Highways showing expenditures to an amount of \$24,596.40, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, the entire amount above mentioned having been expended by the Erie Railroad Company; said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the State of New York as indicated by the signature of its State Commissioner of Highways.

2. That of the total amount of \$24,596.40 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$12,298.20, and the share of the State of New York is the sum of \$12,298.20, said last named amount being now due and payable by the State of New York to the Erie Railroad Company from funds appropriated for the improvement of highways.

[Case No. 2979]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CITY OF BUFFALO under section 90 of the Railroad Law as to Skillen street crossing the New York Central and Hudson River Railroad.

The work covered by the Commission's order of February 5, 1913, and amended order of August 20, 1913, in the matter above entitled having been completed, in accordance with the requirements of said determinations and approved detail plans and specifications, to the satisfaction of The New York Central Railroad Company, the City of Buffalo as shown by letter dated August 31st from the city engineer, and this Commission, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 4252]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an order determining that the crossing at grade of the Albany and Susquehanna Railroad (leased to and operated by The Delaware and Hudson Company) by a highway known as state route No. 7, section 4, in the town of Bainbridge, Chenango county, shall be changed from grade.

The work covered by the Commission's determination in the above entitled matter having been entirely completed, in accordance with the requirements of said determination and approved detail plans and specifications, to the satisfaction of this Commission and to that of the State Commission of Highways, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 4473]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to closing and discontinuing a highway grade crossing of the New York, Ontario and Western Railway by a state highway, No. 5510, in the town of Mamakating, Sullivan county, and the construction of a new piece of highway and an undergrade crossing at another location.

Ordered: 1. That the first intermediate settlement entered into by the New York, Ontario and Western Railway Company with the State Commission of Highways, showing expenditures to the amount of \$28,611.24 properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved. The sum of \$28,386.73 has been expended by the railroad corporation, and the sum of \$324.51 has been expended by the State; said settlement having been accepted by said railroad corporation as indicated by the signature of its chief engineer, and accepted by the State of New York as indicated by the signature of the State Commissioner of Highways.

Ordered: 2. That of the total amount of \$28,611.24 thus expended and herein accounted for, the share of and the amount chargeable to the New York, Ontario and Western Railway Company is the sum of \$14,305.62, and the amount chargeable to the State of New York is the sum of \$14,305.62, upon which it is entitled to a credit in the sum of \$324.51 expended by it as aforesaid, leaving as a balance due and payable by the State of New York to the New York, Ontario and Western Railway Company the sum of \$13,981.11. The railroad corporation and the State Commission of Highways having agreed to a reduction of \$1000 in the amount payable to said railroad corporation under this accounting, in order to provide against a condition which on account of expenditures to be made by the State may in the final accounting require payment by the railroad corporation to the State, it is hereby

Ordered: 3. That the sum of \$13,981.11 now payable by the State to the railroad corporation shall be reduced by an amount of \$1000, making the full amount to be paid to the New York, Ontario and Western Railway Company by the State from funds appropriated for the improvement of highways on this accounting the sum of \$12,981.11, the amount of \$1000 thus deducted to be included in the final accounting hereafter to be rendered, when all items of expenditure have been determined.

[Case No. 4535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which a new highway known as the Eastern Boulevard shall be constructed across the Carthage branch, St. Lawrence division of the New York Central Railroad, in the city of Watertown.

The work covered by the Commission's determination in the above entitled matter having been entirely completed, in accordance with the requirements of said determination and approved detail plans and specifications, to the satisfaction of this Commission and to that of the State Commission of Highways, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5345]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the proposed new passenger fares by various common carriers subject to the jurisdiction of this Commission.

The carriers hereinafter mentioned filed certain passenger tariffs stated and intended to become effective January 1, 1916, or shortly thereafter. The Commission by order of December 22, 1915, entered upon an investigation as to the reasonableness of said tariffs, and directed that the operation of said tariffs be suspended until the 29th day of April, 1916; and having held hearings thereon, by certain supplemental orders the operation of said tariffs was suspended from time to time until the 30th day of September, 1916, except that in the case of The New York Central Railroad Company on its own behalf, as lessee of the West Shore Railroad and of the Boston and Albany Railroad, and C. L. Hunter to the extent that he is represented as agent of The New York Central Railroad Company and the West Shore Railroad Company, respectively; and as to The New York Central Railroad Company, for itself as lessee as aforesaid, and C. L. Hunter as aforesaid, the Commission, after investigation, on the 8th day of June, 1916, directed that said tariffs filed by or on behalf of The New York Central Railroad Company be canceled on or before July 1, 1916. Each and every respondent to this proceeding other than The New York Central Railroad Company, for itself and as lessee as aforesaid, and C. L. Hunter as agent aforesaid, has now expressed its consent to the cancellation of the tariffs or supplements to tariffs referred to in said order of December 22, 1915. It is therefore

Ordered: 1. That each and every of the respondents hereinafter specified be and is hereby directed to cancel, on or before September 30, 1916, the tariffs or supplements to tariffs of its issue or adopted issue proposed to become effective, except as otherwise stated herein, on the 1st day of January, 1916, designated as follows:

J. H. Hustis, Temporary Receiver Boston and Maine Railroad (adopted issue Boston and Maine Railroad). Supplement No. 1 to P. S. C., 2 N. Y., No. 223, filed to take effect January 10, 1916.

Buffalo, Rochester and Pittsburgh Railway Company. Supplement No. 3 to P. S. C., 2 N. Y., No. 626; supplement No. 1 to P. S. C., 2 N. Y., No. 572, filed to take effect January 10, 1916.

Cooperstown and Charlotte Valley Railroad Company (owned and operated by The Delaware and Hudson Company). First revised pages 5 and 6 and second revised page 11 to P. S. C., 2 N. Y., No. 1.

The Delaware and Hudson Company. Supplement No. 3 to P. S. C., 2 N. Y., No. 855; supplement No. 4 to P. S. C., 2 N. Y., No. 1234; supplement No. 1 to P. S. C., 2 N. Y., No. 1314; supplement No. 2 to P. S. C., 2 N. Y., No. 1321; P. S. C., 2 N. Y., Nos. 1433, 1434, 1436, and 1437.

The Delaware, Lackawanna and Western Railroad Company. P. S. C., 2 N. Y., Nos. 480 and 482.

Erie Railroad Company. Supplement No. 2 to P. S. C., 2 N. Y., No. 808, and P. S. C., 2 N. Y., No. 842.

C. L. Hunter, as Agent for Buffalo and Susquehanna Railroad Corporation (adopted issue of Buffalo and Susquehanna Railway Company, H. I. Miller, Receiver); Wellsville and Buffalo Railroad Corporation; Buffalo, Rochester

and Pittsburgh Railway Company; The Delaware, Lackawanna and Western Railroad Company; Erie Railroad Company; Lehigh Valley Railroad Company; The New York, Chicago and St. Louis Railroad Company; The Pennsylvania Railroad Company. Revised pages of his P. S. C., 2 N. Y., No. 13, as follows: 1st revised pages Nos. 10 and 11; 2nd revised pages Nos. 18, 20, 223, 234, 235, 240, 243; 3rd revised pages Nos. 225, 226, 229, 230, 233, 237, 238, 239, 241; 4th revised pages Nos. 222, 224, 227, 228, 232, 236, 242, 244; 5th revised pages Nos. 231 and 245.

Lehigh Valley Railroad Company. Supplement No. 3 to P. S. C., 2 N. Y., No. 640; supplement No. 2 to P. S. C., 2 N. Y., No. 1038; P. S. C., 2 N. Y., No. 1119.

The Long Island Railroad Company. P. S. C., 2 N. Y., No. 403, filed to become effective the 7th day of January, 1916.

New York, Ontario and Western Railway Company. Supplement No. 2 to P. S. C., 2 N. Y., No. 84.

Southern New York Power and Railway Corporation (adopted issue of Otsego and Herkimer Railroad Company). Supplement No. 1 to P. S. C., 2 N. Y., No. 242.

Rutland Railroad Company. Supplement No. 1 to P. S. C., 2 N. Y., No. 332.

said tariffs being disallowed by the Commission.

2. That such tariff cancellations be effected by the issuance by said respondents, respectively, and the publication and filing thereof in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, of proper tariff issues on one day's notice and effective not later than September 30, 1916.

3. That this order is without prejudice to the rights of any of said respondents to file any lawful new tariffs or supplements to tariffs now in force.

4. That copies of this order be forthwith served upon the respondents in this proceeding and that the case be closed on the records of this Commission.

[Case No. 5644]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day of
September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SUNDAY WORKERS AT THE LACKAWANNA STEEL PLANT AND OTHER PLANTS IN LACKAWANNA *against* INTERNATIONAL RAILWAY COMPANY and RECEIVER BUFFALO AND LAKE ERIE TRACTION COMPANY as to withdrawal of Sunday car service from Seneca street and Bailey avenue, Buffalo, to gate No. 2 of the Lackawanna Steel Plant.

This complaint having been served upon the railroad companies, and answers received stating that the service withdrawn has been restored; and representative of complainants having informed the Commission that the complaint is thus satisfied, it is

Ordered: That this complaint is hereby closed on the records of the Commission.

[Case No. 5674]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of INTERNATIONAL RAILWAY COMPANY under section 53, Public Service Commissions Law, for permission to construct an extension of its railway, and to double track certain of its lines in the city of Lockport; and for approval of the exercise of a franchise therefor received from the city.

A petition under section 53, Public Service Commissions Law, having been filed with this Commission by the International Railway Company for permission to construct in the city of Lockport, additions to its electric railway hereinafter described, and for approval of the exercise of a franchise therefor received from the city; and a public hearing on said petition after due notice having been held by this Commission in the city of Albany on September 6, 1916, Morris Cohn, jr., appearing for the petitioner, and no one else appearing; and it appearing that petitioner has filed in the proper record offices a certificate of extension of its railway covering the proposed extension; and this Commission determining from the papers and the hearing that such construction and exercise of franchise is necessary and convenient for the public service, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves construction in the city of Lockport by the International Railway Company of a double track extension of its electric railway on West avenue between Transit street and Hawley street, of a double track (in place of its present single track) on Main street about one hundred and fifty feet east of Transit street, and of a double track (in place of its present single track) on Hawley street from the right of way of the Erie Railroad Company to a point between West avenue and Park avenue, with all necessary switches, sidings, turnouts, crossovers, and connections, to be operated by the single overhead electrical trolley system of motive power; and hereby permits and approves the exercise by said company of a franchise for such construction granted to said company by the common council of said city August 14, 1916, and approved by the mayor the same day, a copy of which franchise, certified by William G. Spalding, city clerk, to be a true copy, is filed with this Commission with the papers in this case.

692 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2805]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county; for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad, in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad, in the town of Cheektowaga, Erie county.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company, the Lehigh Valley Railroad Company, and the Erie Railroad Company, as indicated by the signatures of their respective chief engineers upon the stress sheet plan dated May 24, 1916, covering the steel work required for the Harlem Avenue viaduct, to be erected in compliance with the Commission's order over the tracks of the railroads above named; and upon the approval of the local authorities as similarly indicated by the approval signature on said plan of the town and village engineer, it is

Ordered: That said plan be and the same is hereby approved.

[Case No. 4268]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which a new highway known as the Southern Boulevard shall cross the Albany and Susquehanna Railroad (leased to and operated by The Delaware and Hudson Company) near the Normanskill creek, in the town of Bethlehem, Albany county.

The work covered by the Commission's determination of May 19, 1914, in the above entitled matter having been entirely completed in accordance with

the requirements of said determination and approved plans and specifications to the satisfaction of this Commission, the State Commission of Highways, the State Engineer, and to that of the railroad company, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 4942]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF WEST FALLS *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY as to location of new station building.

The interested parties having been duly heard upon the application for a rehearing in this case, at the office of the Commission in the city of Albany, N. Y., on September 13, 1916; and the Commission having determined, after consideration of all the facts herein and for the reasons set forth in the accompanying memorandum, that it would not be justified upon the showing made by the complainants in making any amendment to the original order herein, it is

Ordered: That the application of the complainants herein for a rehearing in this matter be and the same hereby is denied.

[Case No. 5553]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of CHRISTOPHER J. PFISTER AND OTHERS, owners of real estate and residents on Phelps street, Buffalo, *against* RECEIVERS BUFFALO GAS COMPANY, asking that gas pipes be laid in said street.

Christopher J. Pfister, an owner of real estate on Phelps street, Buffalo, having complained to this Commission of the failure of the Receivers of the Buffalo Gas Company to lay gas mains and supply gas to premises owned by the complainant on Phelps street, said premises being distant about 170 feet from the end of the present main on Phelps street; and the respondents having answered the said complaint; and the matter having come on for a hearing on the 31st day of August, 1916; when both parties were present and the facts of the case were duly presented to the Commission; and it appearing that in the judgment of the said Receivers they would not at this

time be justified, on the strength of this present application alone, in extending their mains on Phelps street to supply the one house which has already been erected there by complainant, but that they would willingly make the desired extension when enough additional houses have been constructed on this portion of Phelps street to insure a reasonable revenue upon the necessary investment; and it appearing further that complainant is himself considering the question of building more houses on his property, and that several neighboring land owners may do the same thing in the near future, and that the said Receivers are ready at any time to discuss with these property owners the question of extending their mains at the company's expense as soon as enough houses have been built to insure a proper revenue from the investment, and that they are willing to make such extension immediately if complainant will advance the amount necessary to pay for same and receive periodical repayments of the amount so advanced until the whole has been repaid to him by the company; and the Commission being of the opinion that the financial condition of the Buffalo Gas Company is not such as would warrant the making of an order at this time compelling an extension of its mains on Phelps street upon other terms than those proposed as aforesaid, and that the whole matter should await the outcome of further negotiations between the parties hereto; it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to complainant to move to reopen same at a later date if in the opinion of the Commission circumstances should then seem to warrant such reopening.

[Case No. 5560]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the BOARD OF PUBLIC WORKS OF ROME under section 90 of the Railroad Law for a determination as to how an extension of Fifth street in said city shall cross the industrial branch of the New York Central railroad in said city.

Upon the facts found and for the reasons stated in the accompanying opinion, it is

Ordered: That the petition be and the same is hereby dismissed.

[Case No. 5562]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMETT,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Joint Petition of NORTH SHORE ELECTRIC LIGHT AND POWER COMPANY and PORT JEFFERSON ELECTRIC LIGHT COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of the franchises, works, and system of the last named company to the first named company; which petition includes that of the North Shore company under section 69 of the Public Service Commissions Law for authority to issue \$20,000 common capital stock and \$53,000 5 per cent first mortgage 25-year gold bonds, and under section 70 for consent to acquire \$28,000 of the mortgage bonds of the Port Jefferson company.

Second
amendatory
order.

By order herein dated June 6, 1916, as amended on August 8, 1916, the Port Jefferson Electric Light Company was authorized to transfer and sell all of its property, rights, franchises, and immunities, except cash, bills and accounts receivable, and a certain unimproved parcel of land in the village of Port Jefferson, New York, to the North Shore Electric Light and Power Company; and the latter company was authorized to acquire such property from the Port Jefferson Electric Light Company. The North Shore Electric Light and Power Company was also authorized to issue its 5 per cent 25-year first mortgage gold bonds of the face value of \$53,000, and \$20,000 par value of its common capital stock, and to sell such securities for not less than 85 per cent and par respectively. Said order among other things required that the North Shore company should file within thirty days from the service thereof complete statements showing full particulars of the transfer to it of the assets, including franchises, of the Port Jefferson company, including the particulars of the entries made upon its books reflecting the acquisition of such property. By petition dated September 9, 1916, the Port Jefferson Electric Light Company states that although it has filed its acceptance of such orders the definite date for the consummation of such transfer has not as yet been fixed although both companies are making every effort to hasten it, and requests therefor that ordering clause No. 3 of the supplemental and amendatory order herein dated August 8, 1916, be modified so that the verified statements required therein will be required within thirty days from the acquisition of such property by the North Shore Electric Light and Power Company. Now therefore, upon the foregoing record,

Ordered: 1. That ordering clause No. 3 of the supplemental and amendatory order herein dated August 8, 1916, is hereby modified and amended by the substitution therefor of the following: "3. That within thirty days from the acquisition by the North Shore Electric Light and Power Company of the assets, including franchises, of the Port Jefferson Electric Light Company, the petitioners herein shall file complete statements duly verified by their respective secretaries or other executive officers, showing full particulars of such transfer, including (a) details of the changes in the accounts of the Port Jefferson Electric Light Company from March 15, 1916, to the date of the actual transfer of the property; (b) particulars of the entries made upon the books of the North Shore Electric Light and Power Company reflecting the acquisition of the assets and franchises of the Port Jefferson Electric Light Company."

2. That the Commission's orders in this proceeding shall be of no force or effect unless the property of the Port Jefferson Electric Light Company hereinbefore authorized to be transferred to the North Shore Electric Light and Power Company shall have been acquired by said last named company on or before December 31, 1916.

[Case No. 5598]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of September, 1916

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MRS. J. F. BENNETT
of Cazenovia against THE NEW YORK CENTRAL RAIL-
ROAD COMPANY (lessee West Shore Railroad), asking
for protection at the crossing at grade of the Scott
Road highway and the Chenango branch of the West
Shore railroad near Cazenovia.

This is a complaint alleging a dangerous condition at a grade crossing near Cazenovia, where what is known as Scott road crosses the Chenango branch of the New York Central railroad. The complaint asks that a visible signal be installed. A public hearing was held July 21, 1916, at Syracuse, and a careful inspection has since been made by the steam railroad division of the Commission. It appears that the highway is a country road with moderate travel, chiefly by horse-drawn vehicles. The crossing is obscure and the views in either direction quite restricted. Some further protection should be given travelers on the highway, but in view of the character of travel thereon and the remoteness of dwellings, an automatic bell signal would seem sufficient. The particular character of the signal should however be left to the railroad company to determine. It is therefore

Ordered: 1. That The New York Central Railroad Company shall within sixty days after the service of this order install at the point where the Scott road crosses the Chenango branch of the railroad in the town of Cazenovia, an automatic audible or visible signal sufficient to give ample warning to travelers upon the highway of the approach of trains.

2. That The New York Central Railroad Company notify the Commission within twenty days after service of this order as to its acceptance thereof.

[Case No. 5621]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ELBERT H. WILEY under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Pulaski, Oswego county.

Elbert H. Wiley asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Pulaski, Oswego county. The consent of the municipal authorities of the City of Watertown was granted March 24, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse August 7, 1916, at which Messrs. Pitcher & O'Brien (by Mr. Pitcher) appeared for the applicant, and Mr. F. E. Cullen for The New York Central Railroad Company. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Elbert H. Wiley of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, in and from the Public Square along Washington street to the city line, to be operated only as a part of a line from said city of Watertown to the incorporated village of Pulaski, Oswego county, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5631]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition under section 55, Public Service Commissions Law, of HENDRICK S. HOLDEN and C. LOOMIS ALLEN, RECEIVERS EMPIRE UNITED RAILWAYS, INC., for authority *nunc pro tunc* to the issuance of certain lease warrants or notes, and car trust mortgage.

Petition filed July 11, 1916; report of transportation engineer dated September 8, 1916; now therefore, upon the foregoing record,

Ordered as follows: 1. That the execution by the Empire United Railways, Inc., to The G. C. Kuhlman Car Company of Cleveland, Ohio, of a car trust mortgage dated May 6, 1914, to secure an issue of twenty 6 per cent lease warrants or promissory notes for \$1050 each, aggregating a total face value of \$21,000, to mature at ninety day intervals each, beginning at ninety days from the date of delivery of such equipment, is hereby authorized *nunc pro tunc*; and that the form of such indenture, a copy of which is attached to the petition herein as exhibit E, is hereby approved *nunc pro tunc*.

2. That the issuance during August, 1914, or thereabouts, in part payment for equipment listed below, by the Empire United Railways, Inc., to The G. C. Kuhlman Car Company of Cleveland, Ohio, of twenty 6 per cent lease warrants or promissory notes for \$1050 each, aggregating a total face value of \$21,000, upon the security of the aforesaid car trust mortgage, to mature at ninety day intervals each, beginning at ninety days from the date of delivery of such equipment: For the purchase of five combination passenger and freight cars equipped for operation by electricity at a cost of \$26,763.20, less the amount paid in cash upon the delivery of such equipment \$5763.20: \$21,000, is hereby approved *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the securities herein authorized *nunc pro tunc* was reasonably required for the purpose described in this order, and that such purpose was not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SYRACUSE AND NORTHERN TRANSPORTATION COMPANY under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the hamlet of Brewerton, Onondaga county.

The Syracuse and Northern Transportation Company, Inc., asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown as a part of a route to be operated between Watertown and the hamlet of Brewerton, Onondaga county. The consent of the municipal authorities of the City of Watertown was granted July 5, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse August 7, 1916, at which Mr. George Alston Smith appeared for applicant, and Mr. F. E. Cullen for The New York Central Railroad Company. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Syracuse and Northern Transportation Company of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, in and from the Public Square along Washington street to the city line, to be operated only as a part of a line from said city of Watertown to the hamlet of Brewerton, Onondaga county, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5669]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MAX GOLDSTEIN against WYNANTSKILL HYDRO-ELECTRIC COMPANY, alleging failure to furnish electricity to his summer residence after request.

A hearing upon this complaint was held at the office of the Commission in the city of Albany, N. Y., on September 11, 1916. John P. Judge of Troy.

N. Y., appeared for the complainant, and C. C. Hastings, the president of the Wynantskill Hydro-Electric Company, appeared on behalf of that corporation. It developed on the hearing that the complainant would be satisfied if his premises were connected up with the lines of the respondent by May 15th of the year 1917, as he only requires electric energy during the summer season. The respondent is willing to connect up this service provided the complainant furnishes the necessary wire to take the electricity from the nearest pole of the respondent to the residence of the complainant, if the complainant will furnish at his own expense the brackets required to attach these wires to the house, and will also have these service wires connected with the wiring in the house. The complainant having expressed his willingness to comply with these requirements of the respondent, and Mr. Hastings having indicated his willingness to connect up with the service as herein outlined on or before May 1, 1917, it is

Ordered: 1. That the Wynantskill Hydro-Electric Company connect up its lines with the residence of the complainant in the town of North Greenbush, Rensselaer county, New York, and furnish the complainant with electric energy therein, provided the said complainant shall supply at his own expense a sufficient amount of wire of the proper size properly to connect up his residence with the lines of the respondent, and also the brackets required to support said wires on the outside of the house, and also connect up said service wires with the inside wiring. Upon compliance with these conditions by the complainant, the respondent shall supply the service required by the complainant upon his agreeing to take the service in accordance with the rules and regulations of the respondent.

2. That the respondent shall notify this Commission in writing on or before the 25th day of September, 1916, whether it will obey the terms of this order and comply with the same in all respects.

3. That the respondent shall notify the Commission in writing on or before May 5, 1917, whether or not it has connected its lines with the residence of the complainant as herein provided, and is then prepared to furnish the complainant with electric energy for use upon said premises.

[Case No. 5670]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ISAAC SMITH *against* WYNANTSKILL HYDRO-ELECTRIC COMPANY, alleging failure to furnish electricity to his summer residence after request.

A hearing upon this complaint was held at the office of the Commission in the city of Albany, N. Y., on September 11, 1916. John P. Judge of Troy, N. Y., appeared for the complainant, and C. C. Hastings, the president of the Wynantskill Hydro-Electric Company, appeared on behalf of that corporation. It developed on the hearing that the complainant would be satisfied if his premises were connected up with the lines of the respondent by May 15th of the year 1917, as he only requires electric energy during the summer season. The respondent is willing to connect up his service provided the complainant furnishes the necessary wire to take the electricity from the

nearest pole of the respondent to the residence of the complainant, if the complainant will furnish at his own expense the brackets required to attach these wires to the house, and will also have these service wires connected with the wiring in the house. The complainant having expressed his willingness to comply with these requirements of the respondent, and Mr. Hastings having indicated his willingness to connect up with the service as herein outlined on or before May 1, 1917, it is

Ordered: 1. That the Wynantskill Hydro-Electric Company connect up its lines with the residence of the complainant in the town of North Greenbush, Rensselaer county, New York, and furnish the complainant with electric energy therein, provided the said complainant shall supply at his own expense a sufficient amount of wire of the proper size properly to connect up his residence with the lines of the respondent, and also the brackets required to support said wires on the outside of the house, and also connect up said service wires with the inside wiring. Upon compliance with these conditions by the complainant, the respondent shall supply the service required by the complainant upon his agreeing to take the service in accordance with the rules and regulations of the respondent.

2. That the respondent shall notify this Commission in writing on or before the 25th day of September, 1916, whether it will obey the terms of this order and comply with the same in all respects.

3. That the respondent shall notify the Commission in writing on or before May 5, 1917, whether or not it has connected its lines with the residence of the complainant as herein provided and is then prepared to furnish the complainant with electric energy for use upon said premises.

[Case No. 5679]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of BOMBAY ELECTRIC CORPORATION under section 68 of the Public Service Commissions Law for permission to construct in the town of Bombay, Franklin county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

The application of the Bombay Electric Corporation for permission to exercise a franchise and construct an electric plant in the town of Bombay, Franklin county, New York, was filed with this Commission on August 7, 1916. Proof of publication of notice of the application was duly filed with the Commission on September 12, 1916. A hearing was held at the office of the Commission in the city of Albany, N. Y., on September 14, 1916, at which time LeRoy M. Kellas of Malone, N. Y., appeared on behalf of the petitioner and no one appeared in opposition to the application. There is no other corporation engaged in supplying electric energy in the town of Bombay and the hamlet of the same name at the present time. The granting of this application will enable the residents of this community to have electricity for use in their homes and also to have electric lights in the streets. The

town board of the Town of Bombay granted the Bombay Electric Corporation a franchise on the 15th day of August, 1916, permitting it to operate in said town for a period of ninety-nine years, a certified copy of said franchise forming a part of the record in this case. The Commission having determined after due deliberation that the construction of an electric plant in the town of Bombay and the exercise of said franchise therein by the Bombay Electric Corporation are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Bombay Electric Corporation to construct, maintain, and operate an electric plant, with transmission and distribution lines, in the town of Bombay, Franklin county, New York, and to exercise all the rights and privileges set forth in the franchise granted to it by the authorities of said town on August 15, 1916.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 254]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an over-grade crossing of the New York and Harlem railroad (lessor) extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Ordered: 1. That the first intermediate settlement entered into by The New York Central Railroad Company with the City of Mount Vernon, the City of Yonkers, and the Bronx Parkway Commission, showing expenditures to the amount of \$905.83 properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; said amount of \$905.83 having been expended by the Bronx Parkway Commission as agent for The New York Central Railroad Company, said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer; by the City of Mount Vernon as indicated by the signatures of its mayor and city clerk; by the City of Yonkers as indicated by the signatures of its mayor and city engineer; and by the Bronx Parkway Commission as indicated by the signatures of its president and engineer and secretary.

Ordered: 2. That of the total amount of \$905.83 thus expended and herein accounted for, the share of and the amount chargeable to the State of New York is the sum of \$82.07, which is now due from and payable by the State to The New York Central Railroad Company; and the respective

shares of and the amounts chargeable to the remaining parties in interest are as follows: City of Yonkers, \$165.49; City of Mount Vernon, \$456.18; The New York Central Railroad Company, \$164.14; and the Bronx Parkway Commission, \$37.95.

Ordered: 3. That a similar order of September 7, 1916, requiring payment of the State's portion of the cost to the Bronx Parkway Commission, be and it is hereby rescinded.

[Case No. 4529]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Application of the GRANVILLE
ELECTRIC AND GAS COMPANY under section 69 of the
Public Service Commissions Law for authority to
issue additional bonds.

Petition filed September 29, 1914; report of division of capitalization dated April 30, 1915; report of gas engineer dated June 7, 1915; report of electrical engineer dated April 19, 1916; final report of division of capitalization dated May 20, 1916; supplemental and amendatory petition filed July 9, 1916; supplement to final report dated September 18, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated May 20, 1916, as amended by supplement thereto dated September 18, 1916, which on May 26 and September 18, 1916, respectively, were sent to the corporation, such entries being numbered 1, 3, and 5 of the former, and 2, 4, 6, and 7 of the latter, shall be entered upon the books of the Granville Electric and Gas Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the Granville Electric and Gas Company is hereby authorized to issue \$16,000 face value of its 5 per cent thirty-year first and refunding mortgage gold bonds under a certain indenture dated October 1, 1912, given to the Guaranty Trust Company of New York, trustee, to secure an authorized issue of a total face value of \$400,000.

3. That the Granville Electric and Gas Company is hereby authorized to issue \$12,800 par value of its common capital stock, which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$12,800.

4. That said bonds of the total face value of \$16,000 shall be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$12,800.

5. That said securities of the par and face value of \$28,800 so authorized, or the proceeds thereof to the amount of \$25,600, shall be used solely and exclusively for the payment of indebtedness outstanding at December 31, 1914, as set forth in the final report of the division of capitalization of the Commission dated May 20, 1916, or the renewals thereof, \$25,601.60; amount unprovided for, \$1.60.

6. That if the said securities of the total face and par value of \$28,800 shall be sold at such price as will enable the company to realize net proceeds of more than \$25,601.60, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Granville Electric and Gas Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

8. That the Granville Electric and Gas Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for the purpose specified herein during such period of the proceeds of the securities authorized, and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purpose have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the fixed capital accounts of the Granville Electric and Gas Company as corrected by the journal entries which have been made by the petitioner herein as aforesaid having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform Systems of Accounts for Gas and Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

10. That the amount herein authorized to be debited to the account "Unamortized Replacement and Depreciation Suspense" shall be amortized by credits thereto and charges to the account "Other Contractual Deductions from Income," by the application annually of all the net income of the company to such purpose, provided that the amortization of the first named account shall not be effective until the net income of the company shall have overcome the deficit as of December 31, 1914, of \$16,161.64, shown on the corrected balance sheet of the supplement to the final report of the division of capitalization dated September 18, 1916.

11. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

12. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission

the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5456]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ITHACA GAS AND ELECTRIC CORPORATION under section 69 of the Public Service Commissions Law for authority to issue \$80,000 common capital stock.

Petition filed March 1, 1916; exhibit B, containing details of fixed capital expenditures from January 1, 1914, to December 31, 1915, filed March 1, 1916; report of division of capitalization dated April 13, 1916; report of gas engineer dated April 23, 1916; report of electrical engineer dated May 20, 1916; final report of division of capitalization dated June 16, 1916; supplemental application dated July 29, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated June 16, 1916, which on June 23, 1916, was sent to the corporation, such entries being listed on pages 18 and 19 thereof, shall be entered on the books of the Ithaca Gas and Electric Corporation, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made,

2. That the Ithaca Gas and Electric Corporation is hereby authorized to issue \$67,600 par value of its common capital stock which shall be sold at a price not less than the par value thereof to realize proceeds of at least \$67,600.

3. That said stock of the total par value of \$67,600 so authorized, or the proceeds thereof to the amount of \$67,600, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of assets during the calendar years 1914 and 1915, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation	\$21,094.44	
(b) For the payment of accrued taxes owing at December 31, 1915	5,380.96	
(c) For working capital	41,300.00	
		\$67,725.40
Deduct excess proceeds of bonds authorized in case No. 3485		143.44
		<u>\$67,581.96</u>

Excess \$18.04
in so far as the same may be applicable, provided (1) that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business.

4. That if the said stock of the total par value of \$67,600 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$67,600, no portion of the proceeds of such sale in excess of \$67,581.96 shall be used for any purpose without the further order of this Commission.

5. That the Ithaca Gas and Electric Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount used during such period of the proceeds of the stock herein authorized for the purposes specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used and expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used or expended the report shall set forth such fact.

6. That the Ithaca Gas and Electric Corporation is hereby authorized to sell the 676 shares, each of the par value of \$100, aggregating a total par value of \$67,600, of common capital stock herein authorized to be issued, to the Associated Gas and Electric Company, and the Associated Gas and Electric Company is hereby authorized to acquire and hold such stock of the Ithaca Gas and Electric Corporation so authorized.

7. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

8. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in their order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5516]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**
**At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of September, 1916.**

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

**In the matter of the Petition of the DEPOSIT ELECTRIC
COMPANY under section 69, Public Service Commis-
sions Law, for authority to issue \$115,000 common
capital stock.**

Petition filed April 26, 1916; report of division of capitalization dated June 6, 1916; report of electrical engineer dated July 18, 1916; final report of division of capitalization dated August 31, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated August 31, 1916, which on the same day was sent to the corporation, such entries being listed on pages 19 to 25 inclusive thereof, shall be entered upon the books of the Deposit Electric Company, and that within thirty days from the service of this order verified proof shall be submitted to the Commission that such entries have been made; provided that the amount charged to Land Devoted to Electric Operations in said journal entries is not a present determination by the Commission of the amount which is properly includible in that account, and that this case is hereby continued on the records of the Commission until a determination of the cost to the Deposit Electric Company of its property chargeable to that account is made, and the books of said company made to agree with facts to the satisfaction of this Commission.

2. That the Deposit Electric Company is hereby authorized to issue \$115,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$115,000.

3. That said stock of the par value of \$115,000 so authorized, or the proceeds thereof to the amount of \$115,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of first mortgage 5% 30-year gold bonds outstanding at December 31, 1915, of the face value of.....	\$48,000.00
(b) For the discharge of unfunded debt outstanding at December 31, 1915, or the renewals thereof, as follows:	
Bills payable	\$44,900.00
Accounts payable	2,428.52
Interest matured and unpaid.....	10,462.50
Interest accrued on bonds	200.00
	\$57,991.02
(c) For working capital	9,008.98
	\$115,000.00

in so far as the same may be applicable, provided (1) that such refunding of outstanding first mortgage bonds shall be effected within two years after the date of this order; (2) that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business.

4. That if the said stock of a total par value of \$115,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$115,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without an express order of the Commission.

5. That the Deposit Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized, and such report shall show for each of said purposes to what account or accounts under the Uniform System of Accounts for Electrical Corporations the expenditures for such purposes have been charged. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the fixed capital accounts of the Deposit Electric Company as corrected by the journal entries which have been made by the petitioner herein as aforesaid having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

7. That the Uniform System of Accounts for Electrical Corporations is hereby amended in its application to the accounts of the Deposit Electric Company in so far as is necessary so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same, and charged to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

8. That the amount herein authorized to be debited to the account "Unamortized Replacement and Depreciation Suspense" shall be amortized by credits thereto and debits to the account "Other Contractual Deductions from Income" according to the following schedule:

<i>Calendar year</i>	<i>Amount</i>
1916	\$324.30
1917	1,600.00
1918	1,600.00
1919	1,600.00
1920	1,600.00
1921	1,600.00
Total	<u>\$8,824.80</u>

provided that the said company is authorized to amortize the said sum more rapidly than herein provided if it so desires, by crediting the account Unamortized Replacement and Depreciation Suspense and debiting the account Corporate Surplus with the excess so credited over the amount required as shown by the foregoing schedule.

9. It is nevertheless expressly provided, that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of the order shall have been made, reported to, and approved as sufficient by this Commission.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said com-

pany shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5689]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of September 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of HUDSON VALLEY RAILWAY COMPANY under section 184 of the Railroad Law for approval of a declaration of abandonment of a portion of its constructed route from Ballston Junction to Saratoga Springs.

On August 30, 1916, the Hudson Valley Railway Company filed with the Commission a petition praying for the approval of the Commission to the abandonment of that portion of the main line of the corporation between Ballston Junction, in the town of Milton, Saratoga county, New York, and the highway in the city of Saratoga Springs leading from the Geyser to Saratoga Lake. A hearing was held by the Commission at the courthouse in the village of Ballston Spa on September 14, 1916, at which time the petitioner filed proof of publication of notice of the application for permission to abandon the portion of its line aforesaid. The petitioner appeared by James McPhillips, its attorney; and the Village of Ballston Spa was represented by its attorney, E. S. Coons, and the president of the village, Charles Frerkson. The petitioner showed that at the present time it is operating its through cars between Saratoga Springs and Mechanicville over the double-track line between Saratoga Springs and Ballston Spa, which adjoins the main line of The Delaware and Hudson Company, and that it only operates local cars hourly from 7:35 a. m. to 5:35 p. m. between Saratoga Springs and Ballston Spa over that portion of the line which it seeks to abandon. There appears to be no good reason for maintaining three tracks between Saratoga Springs and Ballston Spa for the traffic passing back and forth between these places by means of trolley cars. The line which it is proposed to abandon and the double-track line now being used for through traffic by both the petitioner and the Schenectady Railway Company are not very far apart for a considerable portion of the distance between the Geyser and Ballston Spa, and people living along the line which is to be abandoned will not be entirely deprived of railway service thereby. The figures presented by the petitioner clearly showed that its old line, so called, which it now seeks to abandon, is being operated at a loss, and there is no reason to believe that there will ever be any substantial increase in travel along this line. The only real objection which was made to the abandonment was by some of the people who reside at Gray's Crossing, so called, who can now ride on the present line of the Hudson Valley Railway Company from that point into the village of Ballston for five cents, whereas the fare from the same crossing into the village of Ballston Spa on the new line over which the cars of the

Hudson Valley Railway Company will be operated and over which the cars of the Schenectady Railway Company are now operated is ten cents. This is due entirely to the location of the fare limits on the two lines. The general manager of the petitioner stated that a check had recently been made of the travel between Gray's Crossing and Ballston Spa on the lines of the Hudson Valley Railway Company, and the average was from four to six passengers a day. At the present time, the people in the village of Ballston Spa, by walking to a point known as Ballston Junction, on the line of the Schenectady Railway Company, are able to ride to Saratoga for ten cents. If the fare limit should be extended to Gray's Crossing so as to accommodate the people who use the cars at that point, the people in Ballston Spa could not conveniently walk to that fare limit, and the result would be that they would be obliged to pay a five cent fare in order to take them to Gray's Crossing, and a ten cent fare from that point to Saratoga, making the full fare fifteen cents instead of ten cents as it is now from Ballston Junction to Saratoga Springs. This would impose a serious hardship upon the people of Ballston Spa. There are several thousand residents in Ballston Spa, many of whom travel back and forth between that village and Saratoga Springs, and it would not seem reasonable to require them to pay a higher rate of fare to go to Saratoga by changing the existing fare limit to accommodate the people at Gray's Crossing. It seems to be for the good of the greatest number to keep the fare limit on the lines of the Schenectady Railway Company as at present, at least, so far as the present situation is concerned. The papers filed by the petitioner indicate that it has complied with the requirements of section 184 of the Railroad Law of the State of New York. The abandonment of that portion of the old line of the Hudson Valley Railway Company as set forth in the petition seems to be fully justified, and the Commission has determined after due deliberation that such abandonment should be approved. It is therefore

Ordered: 1. That the declaration of abandonment by the Hudson Valley Railway Company of that portion of its line between what is known as Ballston Junction, in the town of Milton, Saratoga county, New York, and the highway in the city of Saratoga Springs, New York, leading from the Geyser to Saratoga Lake, be and the same hereby is approved.

2. That the Secretary of this Commission be and he hereby is directed to indorse such approval upon the declaration of abandonment as provided in section 184 of the Railroad Law of the State of New York.

[Case No. 2805]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.****At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day September, 1916.****Present:****SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county; for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company, the Erie Railroad Company, and the Lehigh Valley Railroad Company, as shown by the signatures of their respective chief engineers upon a portfolio of plans, including a general plan, detail plans sheets 1 to 10 inclusive, and two unnumbered plans, one showing manhole for 24-inch sewer and the other the location and detail of railings on the approaches; said plans covering the entire construction except the details of the superstructure of the viaduct to be constructed pursuant to a determination of the Commission dated March 20, 1916, in the matter above entitled; and upon the approval of the local authorities as similarly indicated on said plans by the signature of George C. Diehl, engineer for the Town of Cheektowaga and Village of Sloan, it is

Ordered: That said portfolio of plans be and it is hereby approved.

[Case No. 5005]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.****At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of September, 1916.****Present:****SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

Upon the recommendation of The New York Central Railroad Company and the Buffalo, Rochester and Pittsburgh Railway Company as indicated by

the signatures of their respective chief engineers upon a general plan showing the elimination of the Brown Street grade crossings to be performed in compliance with a determination of this Commission dated July 26, 1916, and upon the approval of the local authorities as similarly indicated by the signatures on said plan of the mayor and city engineer of the City of Rochester, it is

Ordered: First, that said plan, except the drainage system east of King street, be and it is hereby approved; second, that in compliance with paragraph numbered 7 of the order, the location, the arrangement and details of the drainage system east of King street shall be the subject of further study by the interested parties and of future determination and approval by this Commission.

[Case No. 5633]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of JOSEPH KEHN, GILBERT D. BEEBE, and ELLEN F. KILMER of Averill Park against WYNANTSKILL HYDRO-ELECTRIC COMPANY for failure to furnish electricity for lighting.

After considerable correspondence in this matter, a hearing was held September 11, 1916. While several residents of Elmore avenue, Averill Park, have been mentioned as desiring electric service eventually, it appears that only the three named above desired such service immediately. The company states that the necessary line extension will be built as soon as the necessary material can be obtained and placed on the ground, and that the parties named will be connected on or before October 10th. It is therefore

Ordered: That this case be and it hereby is closed on the records of the Commission, with leave to reopen if service is not rendered to the three parties named on or before October 10, 1916, and without prejudice to the rights of any other parties.

[Case No. 5664]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CLINTON LIGHT, HEAT AND POWER COMPANY, INC., of Churubusco, Clinton county, under section 68 of the Public Service Commissions Law for permission to construct an electric plant in the hamlet of Churubusco, and approval of the exercise of rights and privileges under a franchise received from the town of Clinton, Clinton county.

The Clinton Light, Heat and Power Company, Inc., filed its petition with this Commission on August 12, 1916, asking permission to exercise a franchise granted to it by the municipal authorities of the Town of Clinton, and

to begin the construction of an electric plant therein. Proof of publication of notice of this application was filed with the Commission on August 29, 1916. A hearing was appointed to be held by the Commission at its office in the city of Albany, N. Y., on September 20, 1916, but at that time no one appeared on behalf of the petitioner nor in opposition to the application. The Commission having determined, after due deliberation, that public convenience and necessity require the construction, maintenance, and operation of an electric plant by the Clinton Light, Heat and Power Company, Inc., in the town of Clinton, county of Clinton, New York, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Clinton Light, Heat and Power Company, Inc., to construct, maintain, and operate an electric plant, together with transmission and distribution lines, in the hamlet of Churubusco, town of Clinton, Clinton county, New York, and to exercise all the rights and privileges set forth in the franchise granted to it by the authorities of the Town of Clinton on August 8, 1916.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5690]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THOMAS B. HOBBS under section 68 of the Public Service Commissions Law for permission to construct in the town of Ellenburgh, Clinton county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges therefor received from said town.

On September 2, 1916, Thomas B. Hobbs filed with this Commission an application for permission to construct and operate an electric plant in the town of Ellenburgh, Clinton county, New York, and to exercise rights and privileges under a franchise granted to him by the municipal authorities of the Town of Ellenburgh on April 19, 1916. Proof of publication of notice of this application was duly filed with this Commission on September 18, 1916. A hearing was appointed to be held at the office of the Commission in the city of Albany, New York, on September 20, 1916. No one appeared on behalf of the petitioner or in opposition to the application. The Commission after due deliberation having determined that public convenience and necessity require the construction, maintenance, and operation of an electric plant in the town of Ellenburgh, Clinton county, New York, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to Thomas B. Hobbs to construct, maintain, and operate an electric plant, together with transmission and distribution lines, in the town of Ellenburgh, Clinton county, New York, and to exercise all the rights and privileges set forth in the franchise granted to him by the authorities of said town on April 19, 1916.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5694]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TROY GAS COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchise for an electric plant in a portion of the town of Waterford, Saratoga county.

An application by the Troy Gas Company was filed with this Commission on September 5, 1916, asking for permission to construct and operate an electric plant in that part of the town of Waterford, Saratoga county, New York, bounded on the south by the village line, on the north by the Philadelphia Hotel, on the east by the Hudson river, and on the west by the tracks of The Delaware and Hudson Company; and to exercise a franchise therein granted by the municipal authorities of the Town of Waterford on August 8, 1916. The petitioner also seeks to take over from Messrs. Green & McDowell an electric transmission line in the territory aforesaid which they are now using for supplying electric energy to certain houses owned by them on the highway north of the village of Waterford known as the Saratoga Road. Proof of publication of notice of this application was duly filed with the Commission on September 16, 1916. A hearing was held at the office of the Commission in the city of Albany on September 20, 1916, at which time the petitioner was represented by its counsel, H. D. Bailey (by Bierce Bailey), and no one appeared in opposition to the application. The petitioner is now supplying electricity in the village of Waterford, and the territory in question adjoins the village on the north. No other corporation is now engaged in distributing electric energy in that specific territory for commercial purposes. The Commission after due deliberation having determined that public convenience and necessity require the construction and operation of an electric plant by the petitioner in that portion of the town of Waterford aforesaid, and the exercise of the franchise granted to it on August 8, 1916, by the municipal authorities of said town, it is

Ordered: 1. Pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given to the transfer and sale by Messrs. Green & McDowell to the Troy Gas Company of all the poles, wires, and equipment now owned and used by said Green & McDowell for transmitting and distributing electric energy in that portion of the town of Waterford covered by the franchise granted to the Troy Gas Company on August 8, 1916.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Troy Gas Company to construct, maintain, and operate an electric plant, together with transmission and distribution lines, in that part of the town of Waterford, Saratoga county, New York, bounded on the south by the village line, on the north by the Philadelphia Hotel, on the east by the Hudson river, and on the west by the tracks of The Delaware

and Hudson Company; and to exercise all the rights and privileges set forth in the franchise granted to it by the authorities of the Town of Waterford on August 8, 1916.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5555]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF
ACREHURST, near Geneva, against NEW YORK STATE
RAILWAYS, asking that passenger cars stop at
Acrehurst.

A line of the New York State Railways extends from the city of Rochester to and into the city of Geneva. Along the line of the road outside the city limits of Geneva is a residential district known as Acrehurst. The residents of Acrehurst filed with the Commission a complaint asking that a stop be installed on the interurban line referred to at a point more convenient for them than the present stops. The respondent proposed to satisfy the complaint by installing a stop at a convenient point, discontinuing an existing stop to the west and moving a second stop somewhat to the east of its present position. The Commission anticipating that there might be opposition to the discontinuance of the present stop held a public hearing in Geneva, at which the respondent appeared and at which also appeared many of the residents of the neighborhood. At present there is a stop with a shelter at the Pre-Emption Road, at that point the western boundary of the city of Geneva. The next stop, known as VanEpps, is about twenty-one hundred and fifty feet west of Pre-Emption Road. The next, known as Warner's, is about seven hundred and fifty feet west of VanEpps. It is proposed to abandon the VanEpps stop, to move the Warner stop one hundred and eighty feet to the east, and to make a new stop half way between the new Warner stop and Pre-Emption Road. This new stop would be a little west of the center of the Acrehurst neighborhood, which is about the center of the community which would use the stop, as Pre-Emption Road is the five-cent fare limit, and a few families living near the eastern part of Acrehurst would undoubtedly use the Pre-Emption Road stop because of the reduced fare. Excluding these from consideration, there are ten houses occupied by twenty-eight people of fare-paying age nearer the proposed Acrehurst stop than the Van Epps stop. There are three houses occupied by fourteen people nearer the VanEpps stop than the proposed Acrehurst stop. There is one other house occupied by three persons who at present use the VanEpps stop, and one of whom testified that he would prefer that it should be retained; but this is over four hundred feet from the VanEpps stop and only two hundred feet from the proposed new Warner stop. It is agreed that the Acrehurst settlement needs more convenient accommodation, and that an Acrehurst stop should be provided. Those to whom the VanEpps stop would be more convenient insist that the VanEpps stop should be retained. Mr. VanEpps and his neighbors, who take this position, contend that they have a right to its retention because when the road was built Mr. VanEpps gave the right of way opposite his

property under an agreement that a stop should be installed and maintained at that point, and he built a small shelter for passengers which still stands at the stop. The situation evidently demands an Acrehurst stop approximately at the point proposed by the company, and the only practical question is whether this should be accomplished by discontinuing the VanEpps stop. As far as the supposed contractual rights of Mr. VanEpps and his neighbors are concerned, it is sufficient to say that the rights of the public to adequate and convenient service can not be perpetually bartered away by a public service corporation in acquiring its right of way or otherwise. The Acrehurst neighborhood has built up since the construction of the railroad, and its people are entitled to convenient facilities regardless of any private arrangement between the railroad and Mr. VanEpps. As to retaining the VanEpps stop in addition to the Acrehurst stop, it is necessary to consider the convenience and rights of the entire traveling public. The road is a through road from Rochester to Geneva. A great majority of its patrons use neither stop, and they are entitled to transportation as comfortably and as rapidly as is consistent with the corresponding rights of transportation of residents of particular localities. To retain the VanEpps stop and Warner stop as they now exist would mean stops approximately nine hundred and seven hundred feet apart. The country from Geneva west to Seneca Castle is thickly peopled, and west of Warner's the stops are at the following distances from each other: thirteen hundred fifty-six feet, fourteen hundred ninety-five feet, three thousand ninety-seven feet, twelve hundred ninety-five feet, twenty-four hundred fifteen feet, twenty-four hundred forty-two feet, thirty-three hundred eighty-six feet, twenty-four hundred eighty-nine feet, and twenty-two hundred thirty feet. The patrons of the road generally should not be inconvenienced by stops seven hundred and nine hundred feet apart merely because fourteen people will have to walk from seven hundred and fifty to two hundred and fifty feet farther than at present in order to reach a stop. If Mr. VanEpps has any contractual rights against the company they may be asserted in a proper forum. This Commission must act in the interests of the entire public. It is therefore

Ordered: 1. That the New York State Railways, within sixty days after the service of this order, establish a stop convenient to the people of Acrehurst, and approximately as shown on the blue-print attached to the answer herein; that it move the present Warner stop to a point approximately one hundred and eighty feet east of its present location, and that it may thereupon abandon its present VanEpps stop.

2. That the respondent, within ten days after the service of this order, notify the Commission as to its acceptance thereof.

[Case No. 5571]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1916

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of JOHN P. DRANEY, FRANK E. CALDWELL, and JOHN F. TYNAN of Poughkeepsie against CENTRAL HUDSON GAS AND ELECTRIC COMPANY, asking that the company extend its mains in Innis avenue and furnish premises of complainants with gas.

Upon the facts formed and for the reasons stated in the accompanying opinion it is

Ordered: 1. That the Central Hudson Gas and Electric Company shall within sixty days after the service of this order, by extension of its mains or otherwise, install service for the supply of gas on the premises of complainants on Innis avenue, in the city of Poughkeepsie, north of King street.

2. That the cost of service pipe and of laying the same from the curb line of Innis avenue to the meter to be installed on the premises of each of the complainants shall be borne by each complainant; and the respondent may, in advance of such installation, require each complainant to deposit with the company the estimated cost of such pipe and of laying the same.

3. That the respondent shall thereafter furnish gas to each of said complainants on their said premises at the tariff rates from time to time in force.

4. That the respondent notify the Commission within twenty days after the service of this order as to its acceptance thereof.

[Case No. 5712]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ELMER BAKER, Roscoe, N. Y., against DOWNSVILLE TELEPHONE COMPANY as to failure to render proper service.

Complaint having been made against the Downsville Telephone Company because of failure to render proper service; and the Downsville Telephone Company having been informed of said complaint and asked to investigate the same and advise the Commission, and having failed so to do, and having failed to respond to repeated requests for the information requested, it is

Ordered: That the Downsville Telephone Company be and is hereby directed to appear before the Commission, at its office in Albany, Wednesday, October 4, at 11 a. m., and show cause why it should not be proceeded against for its said failure to make answer to said questions so required to be answered.

[Case No. 2371]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Transit Conditions in the City of Syracuse and Adjacent Territory.

It appearing that the New York State Railways has continued to endeavor to comply with the previous order of the Commission relative to the purchase and placing in operation of twenty-five new cars, and that for causes beyond

its control it will be unable entirely to comply with said order within the time heretofore limited, October 1, 1916, and that it has procured for temporary use in the Syracuse territory fifteen cars which are now in operation or available for operation as needed, it is

Ordered: That the time within which the corporation shall purchase and place in operation the twenty-five new double-truck cars provided for in paragraph 10 of the order of May 25, 1911, be and the same hereby is extended to October 15, 1916.

[Case No. 5620]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Eden, Erie county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 29th day of June, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the town of Eden, for the purpose of using, transmitting, distributing, and furnishing electricity to said town of Eden and the inhabitants thereof for light, heat, and power; and for approval of the exercise of a franchise to use said streets, alleys, and public ways for such purpose, received from the town board and superintendent of highways of said town, and dated June 22, 1916; thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 20th day of July, 1916; and proof of the publication of said notice having been duly filed; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 22nd day of September, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, of Buffalo, appeared as attorney for the petitioner, together with Mr. Herbert E. Zimmerman, assistant to the general manager of the petitioner; Mr. Charles H. Ide, the supervisor of the Town of Eden, also appeared, but there was no objection made to the petition herein; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electrical distribution plant from its existing lines at either North Evans or Derby to and through the streets, alleys, highways, and public ways of the town of Eden, in accordance with the said franchise therefor received from the authorities of said town, and to construct, maintain, and operate all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances as may be necessary to use, distribute, and furnish electricity for light, heat, and power to the said town of Eden and the inhabitants

thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to Niagara and Erie Power Company to construct, maintain, and operate the said electric plant, and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said town of Eden for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of Eden and the inhabitants thereof, as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and highway superintendent of the Town of Eden on the 22nd day of June, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5680]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of GEORGE A. GILLICK under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Clayton.

George A. Gillick asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Clayton. The consent of the municipal authorities of the City of Watertown was granted August 15, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse September 25, 1916, at which Mr. George E. Morse appeared for petitioner, and no one appeared in opposition. It was stipulated at said hearing that no passengers would be carried from one point to another point within the city of Watertown. Now, therefore, this commission hereby certifies that public convenience and necessity require the operation by George A. Gillick of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, from the city limits on Bradley street over Bradley street, Main street, Court street, and Public Square, to be operated only as a part of a line from said city of Watertown to the incorporated village of Clayton, but not to carry passengers locally

from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the city of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5693]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of September, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE PROGRESSIVE ELECTRIC LIGHT COMPANY, INCORPORATED, of Franklin Springs, under section 68, Public Service Commissions Law, for permission to construct in a portion of the town of Kirkland, Oneida county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise received from said town.

Franklin Springs is a hamlet in the town of Kirkland, Oneida county, less than a mile from the village of Clinton. The Village of Clinton has a municipal electric plant, purchasing its current at the village limits. There already exists a transmission line, for some time disused, from Clinton to a mill at Franklin Springs. Residents of Franklin Springs have incorporated The Progressive Electric Light Company for the purpose of supplying themselves with electricity, purchasing the current at Clinton and transmitting it over the existing line to Franklin Springs, where it is to be distributed to consumers. A franchise for this purpose has been granted by the town board and the superintendent of highways of the Town of Kirkland. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to The Progressive Electric Light Company, Inc., under section 68 of the Public Service Commissions Law, to erect and maintain poles, wires, conduits, transformers, and electrical apparatus used for the purpose of transmitting electric current in, on, and over the streets, highways and public places in the hamlet of Franklin Springs, Oneida county, New York, and also a connecting line from said hamlet to the line of the electric system of the village of Clinton, Oneida county, New York, to transmit current to said hamlet of Franklin Springs.

2. That the permission and approval of the Commission be given to said The Progressive Electric Light Company, Inc., to exercise the rights and privileges conferred by said franchise granted by the superintendent of highways of the Town of Kirkland June 16, 1916, and approved by the town board of the Town of Kirkland July 28, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5718]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of September, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,**

Commissioners.

In the matter of the Complaint of C. A. COLLINS of Buffalo against FEDERAL TELEPHONE & TELEGRAPH COMPANY as to refusal to install telephone service or refund \$3 payment for moving charge.

This matter was brought before the Commission upon the complaint of C. A. Collins of Buffalo, alleging that he had paid the respondent Federal Telephone & Telegraph Company the lawful charge for changing his telephone from one address to another in said city, and that the company had refused to continue telephone service for the complainant on the ground that there was some dispute as to the amount due from the complainant to the company for telephone service in the past. The matter was taken up by the Commission and a hearing held in the city of Buffalo on the 22nd day of September, 1916, at which hearing the complainant appeared in person; and the telephone company was represented by Chapin H. Smith, its adjuster, Mr. J. G. Ihmsen, assistant to the president, and Mr. L. H. Utter of the firm of Keneflick, Cooke, Mitchell & Bass, attorneys for the respondent. It developed on said hearing that there was a misunderstanding between the parties as to the period of service on the part of the telephone company, and the matter of the complaint herein was amicably adjusted. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

Special Permission Tariffs, September, 1916.

No. 6188; September 1, 1916; Greenwich and Johnsonville Railway Company:

Ordered: That under its application of date August 30, 1916, the Greenwich and Johnsonville Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 391, said supplement to establish rate of seven and four-tenths cents per hundred pounds on Wood Pulp, in carloads, minimum weight as per Official Classification, from Middle Falls, N. Y., over its line via Johnsonville, N. Y., and The Delaware and Hudson Company's line to Ballston Spa, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. No. 391, effective September 9, 1916.

No. 6189; September 2, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date September 1, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Fluxing Stone, carloads, minimum weight twenty-four tons of twenty-two hundred and forty pounds each, from West Shore Ore Docks, Buffalo, N. Y.

over its line and the New York Central railroad to Charlotta, N. Y., at rate of fifty-three cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 817, effective September 9, 1916.

No. 6190; September 2, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date September 1, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of handling charges on Fluxing Stone (ex-lake) at West Shore Ore Dock, Buffalo, N. Y., said tariff to establish the rates and regulations as shown in application, hereby made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 816, effective September 9, 1916.

No. 6191; September 2, 1916; Erie Railroad Company:

Ordered: That under its application of date September 1, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a joint commodity tariff applying on Brick, in carloads, minimum weight fifty thousand pounds, from Horseheads, N. Y., over its line via Silver Springs, N. Y., and the Buffalo, Rochester and Pittsburgh railway to Warsaw, N. Y., at rate of one dollar and twenty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3663, effective September 9, 1916.

No. 6192; September 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish rate of sixty-eight cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Middleport, N. Y., to Suspension Bridge, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 25 to P. S. C. N. Y. C. No. 65, effective September 9, 1916.

No. 6193; September 2, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date September 1, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and proportional tariff applying on Buttermilk, Pot Cheese, Cream: fresh and sour, and Milk: condensed, fresh, and sour, when transported in regular milk, passenger, or freight trains, said tariff to establish the rates and regulations as per exhibit attached to said application and hereby made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. No. D-3203 (freight), and supplement No. 3 to P. S. C. No. 1112 (passenger), effective September 7, 1916.

No. 6194; September 6, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date September 5, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone, carloads, minimum weight sixty thousand pounds, from Oriskany Falls, N. Y., and Munna, N. Y., over its line via Norwich, N. Y., and the Delaware, Lackawanna and Western railroad to Greene, N. Y., and Willards, N. Y., at rate of ninety-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3323, effective September 9, 1916.

No. 6195; September 2, 1916; Rutland Railroad Company:

Ordered: That under its application of date September 1, 1916, it appears that the Interstate Commerce Commission in order dated July 11, 1916, I.&S. Docket No. 725, directed the Rutland Railroad Company to establish not later than October 1, 1916, specific rates to apply for interstate shipments of Milk, Cream, etc., when transported between points on the Rutland railroad; also from points thereon to points on the lines of the Boston and Maine, Boston and Albany, and New York, New Haven and Hartford railroads. Therefore, said Rutland Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than October 1, 1916, a similar tariff establishing the same rates to apply to New York intrastate traffic for such local or joint transportation as are provided in the Interstate Commerce Commission's order and applicable to such shipments for interstate traffic.

Completed by P. S. C. No. 349, effective October 1, 1916.

No. 6196; September 7, 1916; Rutland Railroad Company:

Ordered: That under its application of date September 6, 1916, the Rutland Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and effective not earlier than October 1, 1916, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 663, 664, and 667, said supplements to cancel the tariffs to which they are supplements and refer for future rates to passenger department tariff P. S. C., 2 N. Y., No. 349.

Completed by supplements Nos. 1 to P. S. C. Nos. 663, 664, and 667, effective October 1, 1916.

No. 6197; September 8, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date September 8, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3167, said supplement to establish rate of ninety-three cents per ton of two thousand pounds on Ice, carloads, minimum weight as per Official Classification, from Wells Bridge, N. Y., over its line via Oneonta, N. Y., and the Ulster and Delaware railroad to South Gilboa, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. No. 3167, effective September 12, 1916.

No. 6198; September 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by

the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff applying on Woodpulp and Woodpulp Screenings, in carloads, minimum weight forty thousand pounds, from McKeever, N. Y., over its line and the West Shore railroad to Newark, N. Y., at rate of nine and five-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2861, effective September 15, 1916.

No. 6199; September 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Asphalt Paving Blocks, carloads, minimum weight fifty thousand pounds, from East Buffalo, N. Y., Buffalo (Erie Street, Ohio Street, Carroll Street, and Louisiana Street stations), N. Y., and Black Rock, N. Y., to Niagara Falls, N. Y., at rate of sixty-three cents per ton of two thousand pounds, and to Rochester (Brighton, Kent Street, Portland Avenue, and State Street stations), N. Y., at rate of eighty-four cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3309, effective September 14, 1916.

No. 6200; September 9, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date September 8, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Asphalt Paving Blocks, in carloads, minimum weight fifty thousand pounds, from Buffalo, N. Y., to stations taking index Nos. 436 to 458½ inclusive, Rochester Junction, N. Y., to Longwood, N. Y., inclusive, as shown in its tariff P. S. C., 2 N. Y., No. D-1550, at rate of four and two-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3309, effective September 14, 1916.

No. 6201; September 11, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date September 8, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff or supplement to a tariff, and therein establish rate of one dollar per ton of two thousand pounds on Lumber and Forest Products, as per list attached to said application and hereby made part of this permission, in carloads, minimum weight as per Official Classification, from Georgetown, N. Y., over its line via Earlville, N. Y., and the New York, Ontario and Western railway to Norwich, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 826, effective September 16, 1916.

No. 6202; September 12, 1916; Erie Railroad Company:

Ordered: That under its application of date September 11, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of

the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Asphalt Paving Blocks, carloads, minimum weight fifty thousand pounds, from East Buffalo, N. Y., to Niagara Falls, N. Y., at rate of sixty-three cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3672, effective September 15, 1916.

No. 6203; September 13, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date September 12, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 865, said supplement to establish rate of one dollar and twelve cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Penn Yan, N. Y., over its line via Himrod Junction, N. Y., and the New York Central railroad to Corning, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 11 to G. O. P. S. C. No. 865, effective September 16, 1916.

No. 6204; September 13, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date September 12, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff S. S. P. S. C., 2 N. Y., No. 886, said supplement to establish rate of eighty-four cents per ton of two thousand pounds on Asphalt Paving Blocks, in carloads, minimum weight to be specified, from Buffalo, N. Y., to Rochester, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to S. S. P. S. C. No. 886, effective September 18, 1916.

No. 6205; September 14, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date September 12, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective not later than September 19, 1916, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 1151, said supplement to cancel therefrom the special excursion fares to apply to the sale of tickets September 19 to 22, 1916, inclusive, to Ithaca, N. Y., and East Ithaca, N. Y., account of Tompkins County Agricultural Society Fair, said fair having been indefinitely postponed.

Completed by supplement No. 2 to P. S. C. No. 1151, effective September 19, 1916.

No. 6206; September 14, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 12, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish rate of one dollar and fifty-eight cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from White Lake, N. Y., to Suspension Bridge, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 27 to P. S. C. N. Y. C. No. 65, effective September 21, 1916.

No. 6207; September 14, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date September 13, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than October 6, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 2443, said supplement to correct error in supplement No. 9 thereto, filed to take effect October 6, 1916, and bringing forward as reissued item rates now in force on Cement, in carloads, from Jamesville, N. Y., to New York Central railroad stations taking index numbers as follows: 1194 to 1215, inclusive; 1224; 1227; 1229 and 1231; 1233 to 1306, inclusive; 1308 to 1358, inclusive.

Completed by supplement No. 10 to P. S. C. No. 2443, effective October 6, 1916.

No. 6208; September 15, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date September 14, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its joint commodity tariff P. S. C., 2 N. Y., No. 3160, issued in connection with the Greenwich and Johnsonville Railway Company, said supplement to cancel supplement No. 3, filed to take effect October 5, 1916, reissuing the matter contained without change other than to establish on Stone, Broken or Crushed, in carloads, from Cobleskill, N. Y., to stations South Cambridge, N. Y., index No. 180, to East Greenwich, N. Y., index No. 193, inclusive, rate per two thousand pounds of ninety-one cents instead of one hundred cents. This permission is void unless the schedule issued thereunder is filed with the Commission on or before October 4, 1916.

Completed by supplement No. 4 to P. S. C. No. 3160, effective September 18, 1916.

No. 6209; September 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 14, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish rate of sixty-eight cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from DeKalb Junction, N. Y., to Lyons Falls, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 27 to P. S. C. N. Y. C. No. 65, effective September 21, 1916.

No. 6210; September 16, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date September 15, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, in carloads, minimum weight forty thousand pounds, from Manchester, N. Y., over its line via Geneva, N. Y., and the New York Central railroad to Karner, N. Y., at rate of one dollar and fifty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3311, effective September 20, 1916.

No. 6211; September 16, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date September 16, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the

manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not later than October 1, 1916, a supplement to its joint passenger tariff P. S. C., 2 N. Y., No. 855, said supplement to make the changes in the fares applying to the sale of one-way tickets from certain points on its line to certain points on the Boston and Maine Railroad as set forth in exhibit attached to said application, which is hereby made part of this permission. In the issuance of said supplement the requirements of Rule 33 (d), Circular No. 55, is waived.

Completed by supplement No. 8 to P. S. C. No. 855, effective September 18, 1916.

No. 6212; September 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from Troy, N. Y., to Karner, N. Y., at rate of forty-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2928, effective September 20, 1916.

No. 6213; September 19, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date September 18, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Wood Pulp, carloads, minimum weight forty thousand pounds, from Battle Island, N. Y., over its line via Oneida, N. Y., New York Central railroad via Maplewood, N. Y., and Buffalo, Rochester and Pittsburgh railway to Mumford, N. Y., at rate of nine and five-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3331, effective September 22, 1916.

No. 6214; September 19, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Sand, carloads, minimum weight sixty thousand pounds, from Forestport, N. Y., Anos Siding, N. Y., and Nichols Mills, N. Y., over its line via Utica, N. Y., and the New York, Ontario and Western railway to Rockdale, N. Y., and New Berlin Junction, N. Y., at rate of one dollar and twenty-six cents per ton of two thousand pounds, said tariff to be issued as expiring with the close of business October 9, 1916, giving reference for future rate to tariff P. S. C., 2 N. Y., N. Y. C. No. 2895. This permission is void unless the schedule issued thereunder is filed with the Commission within ten days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2936, effective September 23, 1916.

No. 6215; September 20, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date September 19, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law

and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from Oxford, N. Y., over its line via Norwich, N. Y., and the Delaware, Lackawanna and Western railroad to Greene, N. Y., at rate of one dollar per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3332, effective September 23, 1916.

No. 6216; September 21, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 19, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2329, said supplement to establish rate of one dollar per ton of two thousand pounds on Sand and Gravel, in carloads, minimum weight sixty thousand pounds, from East Buffalo, N. Y., Buffalo (Carroll Street, Louisiana Street, Ohio Street, and Erie Street stations), N. Y., Black Rock, N. Y., and Harriet, N. Y., to Syracuse, N. Y., and Solvay, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2329, effective September 27, 1916.

No. 6217; September 21, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 20, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and joint commodity tariff on Nursery Moss, in carloads, minimum weight thirty thousand pounds, said tariff to establish rates in cents per hundred pounds to apply from Harrisville, N. Y., to New York state stations as follows: East Rochester, Rochester (Brighton, Kent Street, Portland Avenue, and State Street stations), and Chili 13.1; Geneva and North Newark 12; also from Harrisville, N. Y., via its line and the West Shore railroad to New York state stations as follows: Elba 13.1; Newark 12. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2940, effective September 28, 1916.

No. 6218; September 22, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date September 21, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of October 1, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3053, as canceling supplement No. 8, reissuing the matter contained therein making no changes except those specified in said application, hereby made part of this permission.

Completed by supplement No. 9 to P. S. C. No. D-3053, effective October 1, 1916.

No. 6219; September 25, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date September 22, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Amiesite, Rough

Quarried and Crushed Stone, in carloads, minimum weight forty thousand pounds, from LeRoy, N. Y. (including siding of General Crushed Stone Company, Heimlech's siding, and Hollisters siding), and Lime Rock, N. Y., over its line via D., L. & W. Junction, N. Y., Delaware, Lackawanna and Western railroad, Wayland, N. Y., and Pittsburg, Shawmut and Northern railroad to Canaseraga, N. Y., at rate of seventy-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1288, effective September 28, 1916.

No. 6220; September 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, said supplement to establish rate of forty-two cents per ton of two thousand pounds on Ice, in carloads, minimum weight fifty thousand pounds, from Adams Center, N. Y., to Watertown, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 28 to P. S. C. N. Y. C. No. 65, effective October 2, 1916.

No. 6221; September 27, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date September 26, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Ashes and Cinders, coal, carloads, minimum weight to be specified, from Utica, N. Y., to Clayville, N. Y., at rate of thirty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2745, effective September 30, 1916.

No. 6222; September 27, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 25, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2855, said supplement to establish rate of fifty cents per ton of two thousand pounds on Sand and Gravel, in carloads, minimum weight sixty thousand pounds, from Yosta, N. Y., to Whitesboro, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2855, effective October 5, 1916.

No. 6223; September 29, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date September 28, 1916, The New York, New Haven and Hartford Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, for itself, the Central New England Railway Company, and the New York, Westchester and Boston Railway Company, on not less than one day's notice and under an effective date not later than October 5, 1916, a freight tariff of additional demurrage charges, to continue in effect until the close of business November 30, 1916, said tariff to establish the schedule of charges for use of cars placed

or constructively placed on public or private tracks in addition to the regular demurrage charges, and the regulations applying in connection therewith as set forth in said application, and which is hereby made part of this permission.

Completed by P. S. C. No. F 280, effective October 1, 1916.

No. 6224; September 29, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date September 29, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3118, said supplement to establish rate of one dollar and twenty-six cents per ton of two thousand pounds on Gas House Coke, carloads, minimum weight fifty thousand pounds, from Glens Falls, N. Y., to Schenectady, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 33 to P. S. C. No. 3118, effective September 30, 1916.

No. 6225; September 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and under an effective date not earlier than October 15, 1916, a joint commodity tariff as canceling its P. S. C., 2 N. Y., N. Y. C. No. 2913, reissuing the matter contained therein, making no changes except to provide that rates named on page two will apply per ton of twenty-two hundred and forty pounds, except as noted, instead of per ton of two thousand pounds; and also to add the New York, Ontario and Western Railway Company as a participating carrier under proper concurrence form and number on file with this Commission.

Completed by P. S. C. N. Y. C. No. 2955, effective October 15, 1916.

No. 6226; September 29, 1916; Erie Railroad Company:

Ordered: That under its application of date September 28, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3008, and therein establish rate of sixty-three cents per ton of two thousand pounds on Ice, in carloads, minimum weight to be specified, from Oquaga, N. Y., to Hankins, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. No. 3008, effective October 5, 1916.

No. 6227; September 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff or supplement to a tariff, and therein establish rate of four and two-tenths cents per hundred pounds on Grain and Grain Products, in carloads, minimum weight as per Official Classification, from Penn Yan, N. Y., to Corning, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2948, effective October 5, 1916.

[G. C. Case No. 433]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CITY OF BUFFALO under section 90 of the Railroad Law for a determination as to the manner and method by which Elmwood avenue in said city shall cross the New York, Lackawanna and Western railway (leased to and operated by The Delaware, Lackawanna and Western Railroad Company).

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer upon a stress sheet plan, latest revision May 26, 1916, and a reinforced concrete floor plan dated April 2, 1915, showing the superstructure proposed to be erected pursuant to a determination of this Commission, in the matter above entitled; and upon the approval of the City of Buffalo as similarly indicated on said plans by the approval signature of the chief engineer of the city, it is

Ordered: That stress sheet plan, and reinforced concrete floor plan dated April 2, 1915, be and are hereby approved.

[Case No. 3188]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the BUFFALO AND LACKAWANNA TRACTION COMPANY for authority, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue \$162,000 par value of its 5 per cent 20-year gold mortgage bonds.

Fifth
amendatory
order.

Petitions filed September 28, 1912, February 5, May 25, and December 5, 1914, September 17, 1915, September 26, 1916; orders entered October 2, 1912, March 3, May 26, and December 15, 1914, and September 29, 1915. By order herein dated March 3, 1914, the action of the Buffalo and Lackawanna Traction Company in pledging \$100,000 of its first mortgage 5 per cent twenty-year gold bonds with the Columbia National Bank of Buffalo as collateral security for a loan of \$75,000 for one year from May 26, 1913, was ratified, validated, and approved. The Commission by order herein dated May 26, 1914, extended the authorization contained in said order of March 3, 1914, for a period of six months from May 26, 1914. Thereafter, by order dated December 15, 1914, on a similar petition, the Commission authorized the petitioner to pledge \$150,000 par value of bonds with the Marine National Bank of Buffalo as collateral security for a loan of \$100,000, the term of

which loan was nine months from the date of said order. The proceeds of this note satisfied the \$75,000 note and paid other obligations of the petitioner. By order herein dated September 29, 1915, upon a petition filed on September 17, 1915, the Commission authorized the pledging of said \$150,000 of bonds as collateral security for a loan of the principal sum of \$100,000 for one year from October 1, 1915. By supplemental petition filed herein on the 26th day of September, 1916, the company asks for authority to continue the pledging of its bonds under similar conditions for one year from October 1, 1916. Now therefore, upon the foregoing record,

Ordered: That the Buffalo and Lackawanna Traction Company is hereby authorized to pledge \$150,000 face value of its 5 per cent twenty-year first mortgage gold bonds as collateral security for a loan of the principal sum of \$100,000 for one year from October 1, 1916, provided that the proceeds realized from such note shall be used solely and exclusively in satisfying a note due October 1, 1916, for \$100,000, for which these bonds had been pledged.

[Case No. 4938]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the COHOES COMPANY under section 68 of the Public Service Commissions Law for permission to construct electric lines along the Erie canal between the cities of Cohoes and Watervliet and in the incorporated village of Green Island, and for approval of franchises.

The petitioner in this matter having consented to numerous adjournments at the request of the Adirondack Electric Power Corporation which has appeared in opposition to the application, and at the last date fixed for a hearing in this matter, to wit October 3, 1916, John A. Delehanty, esq., the attorney for the petitioner, having stated to the Commission that it would be satisfactory to the petitioner to adjourn the case indefinitely, with the understanding that it might be restored to the calendar upon request of the petitioner; and the Commission being of the opinion that neither the petitioner nor the corporation opposing the application would be prejudiced in any way by closing the case on the records of the Commission under the conditions named, it is

Ordered: That this case be and the same hereby is closed upon the records of the Commission, without prejudice to either of the interested parties, upon the understanding that it may be restored to the calendar and a hearing appointed to be held herein at such time as the petitioner shall notify the Commission that it desires to proceed with its application.

[Case No. 5446]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SCHENECTADY
POWER COMPANY for authority to issue common
capital stock.

In the matter of the supplemental petition and peti-
tion of the GENERAL ELECTRIC COMPANY under sec-
tion 70.

Petition filed February 25, 1916; report of division of capitalization dated
June 30, 1916; report of electrical engineer dated July 20, 1916; hearing
held August 2, 1916; supplemental petition filed September 6, 1916, and
petition of the General Electric Company filed on the same day; final report
of division of capitalization dated September 15, 1916. Now therefore, upon
the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the
final report of the division of capitalization in this proceeding dated Septem-
ber 15, 1916, which on the same day was sent to the corporation, such
entries being listed on pages 15 to 17 inclusive thereof, shall be entered
upon the books of the Schenectady Power Company, and that within thirty
days from the service of this order verified proof shall be submitted to the
Commission that such entries have been made.

2. That the Schenectady Power Company is hereby authorized to issue
\$300,000 par value of its common capital stock which shall be sold at a
price not less than the par value thereof to give net proceeds of at least
\$300,000.

3. That said stock of the par value of \$300,000 so authorized, or the
proceeds thereof to the amount of \$300,000, shall be used solely and exclusively
for the following purposes:

(a) For the discharge of miscellaneous accounts payable outstanding at January 31, 1916, as shown on balance sheet as of that date on page 7 of the final report of the division of capitalization herein dated September 15, 1916, or the renewals thereof.....	\$12,282.58
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from February 28, 1911, to January 31, 1916, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	190,169.50
(c) For working capital	98,536.92
	<hr/>
	\$300,989.00

Amount unprovided for \$989.00

in so far as the same may be applicable, provided that such working capital
shall not be disbursed by said company for purposes properly chargeable
to income, but shall be retained to enable the company to carry its accounts
receivable and to provide a sufficient amount of materials and supplies
economically to transact its business.

4. That the Schenectady Power Company shall for each six months' period
ended December 31st and June 30th file, not more than thirty days from
the end of such period, a verified report showing (a) what stock has been
sold or otherwise disposed of during such period in accordance with the
authority contained herein and the date of such sale or disposition; (b) to
whom such stock was sold; (c) what proceeds were realized from such sale;
(d) any other terms and conditions of such sale; (e) in detail the amount
expended during such period of the proceeds of the stock herein authorized

for subdivision (e) of ordering clause No. 3 hereof, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purpose have been charged; (f) the amount used during such period of the proceeds of the stock herein authorized for subdivisions (b) and (c) of ordering clause No. 3 hereof. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended and used the report shall set forth such fact.

5. That the acquisition by the General Electric Company prior to the filing of the petition herein of 3561 shares of the common capital stock of the Schenectady Power Company and its predecessor, Schaghticoke Electric Company, of the par value of \$100 each, aggregating a total par value of \$356,100, is hereby approved; and the General Electric Company is hereby authorized to acquire 1439 additional shares of stock heretofore issued by said Schenectady Power Company or its predecessor, Schaghticoke Electric Company, aggregating a total par value of \$143,900.

6. That the Schenectady Power Company is hereby authorized to sell the 3000 shares of the par value of \$100 each, aggregating a total par value of \$300,000, of common capital stock herein authorized to be issued to the General Electric Company, and the General Electric Company is hereby authorized to acquire and hold such stock of the Schenectady Power Company so authorized.

7. That the fixed capital accounts of the Schenectady Power Company as corrected by the journal entries which have been made by the petitioner herein as aforesaid having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

8. That the Uniform System of Accounts for Electrical Corporations is hereby amended in its application to the accounts of the Schenectady Power Company in so far as is necessary so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

9. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof, this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

10. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5458]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS ALONG
THE ROCHESTER DIVISION OF THE ERIE RAILROAD
against ERIE RAILROAD COMPANY, asking for a pas-
senger train which will reach Rochester not later
than 7 a. m.

The complainants desire an earlier morning train from Avon to Rochester. A hearing was held in Rochester at which few of the complainants appeared, it being explained that others were employed in Rochester and did not desire to lose their time. It was arranged that their affidavits might be filed subject to the right of the respondent to cross-examine. The respondent expressed its desire to cross-examine, and another hearing was set, at which only two of the complainants appeared. Counsel for the complainants, under the circumstances, does not press the case for further attention at present. It is therefore

Ordered: That the case be and hereby is closed upon the records of the Commission, with leave to the present complainants or others to reopen the same if and when they should so desire.

[Case No. 5627]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TROY AND GREEN-
BUSH RAILROAD ASSOCIATION for leave to sell shares
of its capital stock held in its treasury.

Petition filed July 6, 1916; hearing held July 31, 1916. The Troy and Greenbush Railroad Association was incorporated in 1845 with a capital stock of \$200,000, which was subsequently increased to \$275,000. Under date of February 3, 1851, all of the property and franchises of the association, except a small amount of cash on hand, were leased to the Hudson River Railroad Company, a predecessor corporation of The New York Central Railroad Company, in perpetuity, the annual rental being \$19,250. Of the \$275,000 par value of capital stock authorized, twelve shares of \$50 par value each have never been issued, except that a certificate was executed which recited that the Troy and Greenbush Railroad Association was the owner of said twelve shares of capital stock, and since the lease of the property the petitioner from time to time purchased in the open market eighty-eight shares, each of the par value of \$50, of its capital stock. The present petition is for authority to sell these one hundred shares of capital stock at 160 per cent of par, and to invest the proceeds realized from such sale for the

benefit of a working fund to be devoted to the petitioner's proper corporate needs. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Troy and Greenbush Railroad Association is hereby authorized to issue one hundred shares, each of the par value of \$50, aggregating a total par value of \$5000, of its common capital stock which shall be sold at a price not less than 160 per cent of its par value to realize net proceeds of \$8000.

2. That the proceeds realized from the sale of such stock shall be used as a fund for the benefit of the organization of the Troy and Greenbush Railroad Association or for other of its capital purposes, and such proceeds may be invested in the securities of other corporations.

3. That the Troy and Greenbush Railroad Association shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold during such period in accordance with the authority contained herein and the date of such sale; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

4. That the Troy and Greenbush Railroad Association shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5668]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

Petition of INGALLS MOTOR BUS LINE, INC., under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Olean, it being proposed that the route shall also be operated between Olean, Cattaraugus county, and the incorporated village of Cuba, Allegany county.

The petitioner herein is the Ingalls Motor Bus Line, Inc., which is duly incorporated under the Transportation Corporations Law of this State, and it has filed its petition with the Commission asking for a certificate of public convenience and necessity for the operation of a stage route by auto busses in and through certain streets of the city of Olean, which is a part of the route of said petitioner between the city of Olean, Cattaraugus county, and the village of Cuba, Allegany county. At the hearing in this case held by the Commission in the city of Buffalo on the 29th day of September, 1916, Mr. Grant Ingalls of Cuba appeared on behalf of the petitioner; and

Mr. J. P. Quigley of Salamanca appeared as the attorney for the Western New York and Pennsylvania Traction Company; and on said hearing certain proceedings were had and proofs taken from which it satisfactorily appears that the said petitioner is now operating an auto bus over the rural portion of said route, and that the City of Olean has duly issued a permit to the petitioner, after a public hearing upon its application, which said permit is dated July 5, 1916, and authorizes the petitioner to operate its auto busses over the streets specified in this application upon certain terms therein stated; and a certified copy of said permit was filed at said hearing as an exhibit in this case. And the said Grant Ingalls, appearing for the petitioner at said hearing, having asked that the certificate herein be limited to a route in said city which shall commence at the city limits of the city of Olean and run thence along the state highway leading from Hinsdale, through what is known as Boardmanville, in said city along Main street to Union street, and thence southerly along Union street to the City Hall at the corner of State and Union streets; and the said representative of the Western New York and Pennsylvania Traction Company which operates the street surface railroad in said city of Olean having consented to the granting of the certificate herein on condition that the same be limited to through passengers only, this Commission hereby certifies that public convenience and necessity require the operation by Ingalls Motor Bus Line, Inc., of an auto bus line or route as provided in the consent heretofore granted by the mayor and common council of the City of Olean, which is attached to the petition herein, through a portion of the streets of the city of Olean, to wit, commencing at the city limits of the city of Olean, thence along state highway leading from Hinsdale, through what is known as Boardmanville, in said city along Main street to Union street, thence southerly along Union street to the City Hall at the corner of State and Union streets. This certificate is granted subject to all the terms and conditions of the consent of said city heretofore mentioned, and subject to all present and future ordinances of said City of Olean, and to the provisions of all the statutes and requirements of the State of New York which may be applicable thereto; and said certificate is not assignable without the consent of this Commission. And it is hereby

Ordered: That the certificate herein shall not be deemed to authorize the carrying of any passengers over said route from one point to another within the city of Olean, but is intended solely for the transportation of passengers over said route or any part thereof to or from any point outside of the city of Olean along the route above mentioned. It is further

Ordered: That this certificate and order shall be of no force or effect until the petitioner herein shall file with the Commission his duly executed acceptance of the same and of each and every part and condition thereof.

[Case No. 5687]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF ESPERANCE, Schoharie county, under section 91 of the Railroad Law for an order determining that two highway grade crossings of the Albany and Susquehanna Railroad (leased to and operated by The Delaware and Hudson Company) in said town shall be closed and discontinued, and a new piece of highway and an under-crossing of said railroad be constructed.

In the town of Esperance, Schoharie county, The Delaware and Hudson Company's railroad is crossed by two highways at grade, the crossings being approximately 520 feet apart. From the points of crossing, the two highways converge on the east side of the tracks to a junction point from which the combined highway continues in a southerly direction. West of the tracks the highways continue to diverge. The two crossings are known as the "Double Crossings," and are referred to in a petition under section 91 of the Railroad Law filed by the town board of the Town of Esperance asking for their elimination. It is proposed to close both crossings and divert all traffic to an undergrade crossing to be built about 180 feet south of the most southerly of the two grade crossings, and to construct the necessary approaches and new highways all as shown on a plan hereinafter referred to. Upon this petition the Commission, after due notice as required by statute to the railroad company, to the town board, and to the property owners in interest, held a public hearing on September 25, 1916, at which time proof of personal service of such notice on interested property owners was made; proof of publication of notice having been made since by the railroad corporation. Peter I. Enders, supervisor, appeared at this hearing for the Town of Esperance; and John E. MacLean, attorney, and W. H. Adey, office engineer, for The Delaware and Hudson Company. There was no opposition to the request for the closing of these crossings. A copy of a contract between the Town Board of the Town of Esperance and The Delaware and Hudson Company was filed, by the terms of which the town board agrees that the town will purchase all land necessary for a change of the highways, and the railroad company agrees that it will construct the undergrade crossing and the new highways necessary to divert traffic thereto. At the hearing, the town board stated that it would not only purchase the land but also make payment therefor at its own cost and expense, and the railroad company likewise stated that it would construct the new undergrade crossing and highways and make payment therefor at its own cost and expense. Upon this understanding, the Commission hereby determines that the two crossings shall be abolished in the interest of public safety; and it is therefore

Ordered: 1. That the two grade crossings, known as the "Double Crossings," of the tracks of The Delaware and Hudson Company's railroad in the town of Esperance, Schoharie county, be closed and discontinued, and that traffic be diverted therefrom by means of new highways and an undergrade crossing to be constructed, the crossing to be located at a point approximately 180 feet south of the most southerly of the two grade crossings.

Beginning in the highway about 250 feet south of the highway junction heretofore referred to on the east side of the tracks, a new highway shall be

laid down upon the following described center line: Curving to the left on a 50-foot radius from the above named point of beginning a distance of about 55 feet; thence tangent a distance of about 412 feet across and to the west side of the railroad; thence curving to the right on a compound curve, the first radius being 133 feet, the second 320 feet, the respective curve lengths being about 150 feet and 140 feet, to and across the highway leading to the most southerly crossing; thence tangent a distance of about 900 feet to a junction with the highway leading to the most northerly of the two crossings.

The new crossing shall extend under the two existing tracks and a third track now under construction. It shall be about 26 feet 10 inches wide between undercoping lines; the vertical clearances above the crown of the roadway shall be a minimum of 13 feet, and the plate girder superstructures in one span shall carry solid floors.

From the point of beginning of the described center line of the new highway to be laid out, the grades on said new highway shall be as follows: Descending westerly toward the track at the rate of 5 per cent a distance of about 400 feet; thence level or approximately level a distance of about 50 feet; thence ascending at the rate of 5 per cent a distance of about 300 feet; thence ascending at the rate of 0.33 per cent a distance of about 270 feet; thence level a distance of about 300 feet; thence descending at the rate of 4.4 per cent a distance of about 180 feet; all changes in rates of grade to be connected by means of vertical curves.

The layout of the existing highways, the location of the proposed undergrade crossing and new roadways to be constructed, and the grades are to be in accordance with and as shown upon a general plan on file with this Commission, marked "Public Service Commission, Second District, Sept. 25, 1916, Respondent's Ex. No. 3"; said plan bearing the approval signature of the town clerk of the Town of Esperance, its title being as follows: "Delaware and Hudson Co. Susquehanna Division. Elimination of double crossing by proposed under-pass about 1.2 miles north of Schoharie Jct. Office of Chief Engineer, Albany, N. Y. Scale 1" = 50'. July 10, 1916."

The new highways shall be constructed to a width of 24 feet on embankments and a width of 26 feet in cuts, and in the center of these sections there shall be laid a waterbound macadam pavement in a manner satisfactory to the town board of the Town of Esperance and to this Commission.

Drainage of the subway shall be to a drainage ditch crossing the railroad at present in a culvert at the site of the proposed undergrade crossing. This culvert, if necessary, shall be re-located and reconstructed.

Either one of the two existing grade crossings shall be left open, or a temporary crossing at grade at another location shall be provided and maintained until the completion and acceptance by this Commission of the work herein ordered.

2. That in pursuance of the aforesaid agreement between The Delaware and Hudson Company and the Town of Esperance, the parties thereto shall pay and discharge the entire cost of construction and of any land or damages whatsoever and of the taking of any rights or easements which may be necessary in the premises: this order being granted upon the express condition that no financial liability or obligation on account of the construction and work herein provided for and authorized shall attach to or fall upon the State of New York, and that all costs of whatever nature and to whatsoever amount shall be charged against, be payable, and paid by The Delaware and Hudson Company and the Town of Esperance.

In this order The Delaware and Hudson Company's railroad is considered to lie in a northerly and southerly direction.

[Case No. 5711]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

Petition of LEHIGH-BUFFALO TERMINAL RAILWAY CORPORATION under section 56 of the Railroad Law for approval of an interlocking switch and signal apparatus proposed to be constructed at a crossing of the New York Central railroad.

On September 22, 1916, Lehigh-Buffalo Terminal Railway Corporation filed with this Commission a plan entitled "L. V. R. R. Buffalo Division. Buffalo Terminal. Office Signal Engineer. South Bethlehem, Pa. Scale 1" = 50'", showing the tracks and proposed interlocked switches and signals governing movements of trains over the crossing of said railway and the Ohio Street branch of The New York Central Railroad Company near Chicago street in the city of Buffalo. This plan has been approved by the signal engineer, the superintendent of the Buffalo division, the engineer maintenance of way, and the chief engineer of the Lehigh Valley Railroad Company; and by the signal engineer and chief engineer of The New York Central Railroad Company. Under date of October 3, 1916, the chief of division of steam railroads of this Commission reports that he has examined the aforesaid plan, and that it is his opinion that when properly installed the signals, switches, and derails thereon shown will afford adequate protection at this crossing. Now, therefore,

Ordered: That the aforesaid plan be and hereby is approved.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

The Commission having by and under its order of November 10, 1914 (paragraph m), in the above entitled matter, determined that the character of paving on all of the new streets and roadways therein required to be constructed shall be as shown upon a general plan specifically referred to in said order, said plan showing waterbound macadam pavements throughout the entire improvement area; and the Village of Bronxville having expressed

a desire for a different type of pavement and its willingness to pay all of the cost of such other type of pavement in excess of the cost of the prescribed waterbound macadam pavement, the intention of the municipality being to have constructed a brick pavement in the subway and on the approaches thereto, and asphalt block pavements on Pondfield road, Sagamore road, Front avenue, the driveways parallel with the tracks, and the driveways on the west station approaches, all as shown on a plan dated August, 1916, prepared by the village engineer, a copy of said plan being on file with this Commission; it is

Ordered: 1. That the determination of November 10, 1914, be and is hereby modified so as to permit the laying of asphalt block and brick pavements at the locations hereinbefore specified. This order is made upon the express condition that there shall be charged to the elimination account the cost of waterbound macadam pavements only, said cost to be determined by area measurements combined with the unit price for such pavements quoted by the contractor to whom the work has been awarded, and that no part of the excess cost of the proposed brick and asphalt block pavements as above recited shall be charged against the elimination account, but that all such excess cost shall be charged to and paid by the village. The acceptance of this order by the Village of Bronxville shall be deemed as an undertaking on its part to save the State of New York and The New York Central Railroad Company harmless from all costs, expenses, claims, or demands whatsoever on account of the change of pavements herein authorized and provided for.

[Case No. 2691]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of the SCHENECTADY ILLUMINATING COMPANY for permission to issue \$2,447,200 of capital stock, pursuant to the provisions of section 69 of the Public Service Commissions Law.

Superseding order (superseding order dated April 27, 1916).

Petition filed December 30, 1911; supplemental petition filed April 19, 1913; affidavit of A. W. Burchard, vice-president of the General Electric Company, as to issue of \$2,000,000 note of petitioner filed April 19, 1913; order entered April 28, 1913; superseding order entered May 13, 1913; details of additions to property accounts (two volumes) from August 1, 1904, to December 31, 1912, filed July 6, 1914; report of division of capitalization dated May 19, 1915; second supplemental petition filed August 13, 1915; report of electrical engineer dated October 2, 1915; final report of division of capitalization dated November 22, 1915; statement of bills and accounts payable to be funded, filed December 16, 1915; company's comments on final report of division of capitalization filed January 29, 1916 (in case No. 2690); memorandum of division of capitalization dated March 28, 1916; third supplemental petition filed June 13, 1916. By orders herein dated May 13, 1913, and April 27, 1916, the Schenectady Illuminating Company was authorized to issue \$2,886,700 par value of its common capital stock and to use the proceeds realized from the sale thereof at par for certain specified purposes as enumerated in said orders. According to report verified the 5th day of

May, 1914, \$2,000,000 of the stock so authorized has been sold, but the balance of \$886,700 has not yet been issued. By petition dated June 12, 1916, the company states that it has been found desirable in financing its property and business to make an issue of 5 per cent forty-year debenture bonds, and prays that the aforesaid order of April 27, 1916, be amended to authorize instead of \$886,700 par value of common capital stock, sufficient bonds which when sold at 90 per cent of their face value will give net proceeds of that amount. Now therefore, upon the foregoing record,

Ordered as follows: 1. That this order supersedes the order of the Commission heretofore entered herein on the 27th day of April, 1916.

2. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated November 22, 1915, which on the same date was sent to the corporation, such entries being listed in appendix D, pages 22 to 28 inclusive thereof, as modified in accordance with a memorandum of the division of capitalization dated March 28, 1916, shall be entered upon the books of the Schenectady Illuminating Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

3. That the company's plan for amortizing the amount of \$1,462,113.43, which will appear on its books and be charged to "Fixed Capital, Other Intangible Electric Capital" after the above described journal entries have been made, at the rate of \$50,000 a year until the balance in said account is reduced to \$731,056.72, is accepted and approved, and the company is hereby ordered to amortize said amount of \$1,462,113.43 at the rate of \$50,000 per year by charges to the prescribed account "Other Contractual Deductions from Income" until the balance in the said account is reduced to \$731,056.72; provided, nevertheless, that this order shall be construed only as a determination of acceptance and approval of the company's plan of amortization to the amount and for the period therein defined; and further provided, that this order is not intended and shall not be construed as a present determination by this Commission that the amount of \$1,462,113.43, which under the determination herein will be charged on the books of the company to "Fixed Capital, Other Intangible Electric Capital," is the balance of such account which should be now properly carried by the company, or as a present determination that the balance of \$731,056.72, which will remain after the company's proposed plan for amortizing one-half of said first mentioned sum shall have been consummated, shall be deemed as the balance of said account which shall thereafter be properly carried as such by said company.

4. That the Schenectady Illuminating Company is hereby authorized to issue \$985,200 face value of 5 per cent forty-year debenture bonds, provided that none of such bonds shall be issued under the authority of this order until the terms and conditions of said debentures shall have been submitted to and approved by this Commission.

5. That said bonds of the total face value of \$985,200 when issued shall be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$886,680.

6. That said bonds of the face value of \$985,200 so authorized, or the proceeds thereof to the amount of \$886,680, shall be used solely and exclusively for the following purposes:

(a) For the discharge of bills payable outstanding at December 31, 1912, as shown on balance sheet, page 10, of final report dated November 22, 1915, of the division of capitalization, or their renewals. \$2,270,000.00		
Less amount paid by proceeds of \$2,000,000 common capital stock authorized by order dated May 13, 1913		
	2,000,000.00	
		\$270,000.00
(b) For the discharge of the following current liabilities outstanding at December 31, 1912, as shown on balance sheet, page 10, of final report of division of capitalization dated November 22, 1915, or their renewals:		
Accounts payable	\$195,304.54	
Interest accrued	100,537.50	
		295,842.04

(c) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from August 1, 1904, to December 31, 1912, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	\$320,896.45
	<hr/>
	\$886,738.49

Amount unprovided for..... \$58.49

7. That if the said bonds of a total face value of \$985,200 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$886,738.49, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of items (a) to (c) inclusive of ordering clause No. 6 herein, shall be used for any purpose without the further order of this Commission.

8. That the Schenectady Illuminating Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivisions (a) to (c) inclusive of ordering clause No. 6 herein, there shall be shown the amount expended in reasonable detail of the proceeds for the purposes specified therein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds thereof used the report shall set forth such fact.

9. That the fixed capital accounts of the Schenectady Illuminating Company as corrected by the journal entries which the petitioner has been herein directed to make having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Electrical Corporations covering expenditures for fixed capital installed since December 31, 1908.

10. That the Uniform System of Accounts for Electrical Corporations is hereby amended in its application to the accounts of the Schenectady Illuminating Company in so far as is necessary so that all charges on account of retirements of fixed capital shall be charged to the account "Accrued Amortization of Capital" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, General Amortization," as provided in the Uniform System of Accounts applicable to said corporation.

11. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

12. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 2 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 2 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of the bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ITHACA GAS LIGHT COMPANY and ITHACA ELECTRIC LIGHT AND POWER COMPANY for permission to consolidate, and thereafter execute a mortgage and issue stocks and bonds.

Third
amendatory
order.

Petition filed March 21, 1913; hearing held April 15, 1913; report of division of capitalization dated October 14, 1914; report of electrical engineer dated December 24, 1914; reports of gas engineer dated January 16 and February 16, 1915; final report of division of capitalization dated February 27, 1915; order entered March 30, 1915; first supplemental petition filed April 27, 1915; first amendatory order entered April 29, 1915; second supplemental petition filed October 25, 1915; second amendatory order entered November 9, 1915; third supplemental petition filed September 27, 1916. By order herein dated March 30, 1915, the Ithaca Gas Light Company and Ithaca Electric Light and Power Company were authorized to consolidate and form the Ithaca Gas and Electric Company (subsequently changed to Ithaca Gas and Electric Corporation), and the last named company was authorized among other things to execute a mortgage and issue \$434,000 face value of first mortgage 5 per cent 40-year bonds thereunder: \$319,000 face value of such bonds were to be used for the purpose of even exchange or sale on the basis of face for face and accrued interest for first mortgage bonds of the Ithaca Gas Light Company and Ithaca Electric Light and Power Company to the amounts of \$254,000 and \$65,000 face value respectively, and \$115,000 face value thereof were to be sold for not less than 90 per cent of their face value and accrued interest and the proceeds realized therefrom used for certain specified purposes. Under date of September 27, 1916, the company filed a third supplemental petition stating that "it now appears for the best interest of the corporation that such bonds so authorized shall not be issued, but that the proceeds which were to be provided by the issue thereof [namely, \$103,500 from \$115,000 face value] shall be secured from the issue and sale at par of \$103,300 par value of its common capital stock"; and prays that the order of March 30, 1915, be further amended to cancel the authorization to issue \$180,000 face value of the bonds authorized in clause No. 6 thereof and substitute therefor an authorization to issue \$168,300 par value of common capital stock. Now therefore, upon the foregoing record,

Ordered: That ordering clauses Nos. 6, 7, 8, 9, 10, and 13 of the order herein dated March 30, 1915, are hereby modified and amended by the substitution therefor of the following:

6. That the Ithaca Gas and Electric Corporation is hereby authorized to issue \$254,000 face value of its first mortgage 5 per cent 40-year bonds under the aforesaid mortgage, and its common capital stock of a total par value of \$168,300.

7. That said bonds herein authorized of a total face value of \$254,000 or

the proceeds thereof shall be used solely and exclusively for the purpose of even exchange or sale on a basis of face value for face value and accrued interest for the first mortgage bonds of the Ithaca Gas Light Company; and that \$65,000 par value of said stock authorized in the next preceding paragraph hereof, or the proceeds thereof, shall be used solely and exclusively for the purpose of even exchange or sale on the basis of par for par for the first mortgage bonds of the Ithaca Electric Light and Power Company to the amount of \$65,000; and provided that if only a portion of such bonds and stock of a total face and par value of \$319,000 shall be used for said purposes, the said partial exchange shall likewise be on the basis of par for par and accrued interest.

8. That of the said stock authorized in clause No. 6 of this order, \$103,300 par value thereof shall be sold for not less than its par value to give proceeds of \$103,300.

9. That the said stock of the total par value of \$103,300 so authorized, or the proceeds thereof to the amount of \$103,300, shall be used solely and exclusively for the following purposes:

(a) To fund the current liabilities as of December 31, 1913, of the constituent companies, as follows:

<i>Ithaca Gas Light Company:</i>		
Accounts payable	\$6,073.48	
Bills payable	8,000.00	
Bills and accounts payable owing to system corporations	65,727.07	
		\$74,800.50
<i>Ithaca Electric Light and Power Company:</i>		
Accounts payable	\$7,475.41	
Bills payable	5,000.00	
Bills and accounts payable owing to system corporations	14,830.65	
Other unfunded debt.....	1,250.00	
		28,556.06
		<u>\$103,356.56</u>

Amount unprovided for \$56.56

10. That if the said bonds and stocks of a total face and par value of \$422,300 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$422,300, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

13. That when such consolidation hereinbefore authorized shall have been completed, and the journal entries hereinbefore provided have been made upon the books of the Ithaca Gas Light and Ithaca Electric Light and Power Companies, such books closed, and the final balances transferred to the books of the Ithaca Gas and Electric Corporation, the following shall be the balance sheet of such consolidated corporation as at December 31, 1913, which balance sheet may be modified only by legitimate corporate transactions from December 31, 1913, to the effective date of the consolidation recorded in the books of account of the constituent corporations only in accordance with the Uniform Systems of Accounts for Gas and Electrical Corporations:

<i>Assets Side:</i>	
Fixed capital:	
Tangible	\$390,734.25
Intangible, permanent	\$141,739.14
Intangible, to be amortized.....	200,000.00
	<u>341,739.14</u>
	\$732,473.39
Mortgaged or pledged investments.....	23,000.00
Current assets	61,588.10
Miscellaneous temporary debits.....	28,843.09
	<u>\$845,904.58</u>
Total assets side.....	\$845,904.58
<i>Liabilities Side:</i>	
Capital stock	\$518,300.00
Funded debt	254,000.00
Unfunded debt	8,954.46
Accrued amortization of capital.....	63,441.28
Other reserves	1,208.84
	<u>\$845,904.58</u>
Total liabilities side.....	\$845,904.58

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities herein and heretofore authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4419]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of WAYNE TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue \$300,000 in common capital stock.

Petition filed July 20, 1914; statement containing details of expenditures for plant additions from July 19, 1910, to March 31, 1914, filed August 6, 1914; report of division of capitalization dated July 6, 1915; report of telephone engineer dated November 6, 1915; final report of division of capitalization dated December 15, 1915; supplemental report of telephone engineer dated May 9, 1916; supplement to final report of division of capitalization dated June 30, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 15, 1915, as amended by supplement thereto dated June 30, 1916, which on December 15, 1915, and July 11, 1916, respectively, were sent to the corporation, such entries being numbered 1, 2, 4, and 6 of the former, and 3 and 5 of the latter, shall be entered upon the books of the Wayne Telephone Company; and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made.

2. That the Wayne Telephone Company is hereby authorized to issue \$300,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$300,000.

3. That said stock of the par value of \$300,000 so authorized, or the proceeds thereof to the amount of \$300,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of the following obligations or their renewals:	
Two demand notes incurred on or about December 18, 1912.....	\$175,000.00
Thirteen other notes incurred at various times from May 26, 1911, to October 28, 1913.....	73,000.00
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from June 2, 1910, to December 31, 1914, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....	
	19,578.25
(c) For working capital, provided that of such sum \$15,000 shall be used by the company to discharge its remaining bills owing to system corporations at December 31, 1914, totaling that amount....	
	32,421.75
	<hr/>
	\$300,000.00

in so far as the same may be applicable, provided that such net working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its

accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business.

4. That the Wayne Telephone Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to the discharge of indebtedness, in detail the amount expended for subdivisions (a) and (c) of ordering clause No. 3 hereof, during such period of the proceeds of the stock herein authorized, and the account or accounts under the Uniform System of Accounts for Telephone Corporations to which the expenditures for such purposes have been charged; (f) the amount of proceeds used for subdivisions (b) and (c) of ordering clause No. 3 hereof during such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended or used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended or used the report shall set forth such fact.

5. That the fixed capital accounts of the Wayne Telephone Company as corrected by the journal entries which have been made by the petitioner herein as aforesaid having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to January 1, 1912, and fixed capital installed since December 31, 1911, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform System of Accounts for Telephone Corporations covering expenditures for fixed capital installed since December 31, 1911.

6. That the Uniform System of Accounts for Telephone Corporations is hereby amended in its application to the accounts of the Wayne Telephone Company in so far as is necessary, so that all charges on account of retirements of fixed capital shall be charged to the account "Reserve for Accrued Depreciation" heretofore created, and as maintained by credits to the same and charges to "Operating Expenses, Depreciation of Plant and Equipment," as provided in the Uniform System of Accounts applicable to said corporation.

7. That the amount herein authorized to be debited to the account "Depreciation Suspense to be Amortized" shall be amortized by credits thereto and charges to the account "Other Contractual Deductions from Income" at the rate of \$4000 per annum until the entire amount so charged shall have been amortized; provided however that the said company is hereby authorized to amortize the said sum more rapidly than herein provided if it so desires by crediting the account "Depreciation Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required as specified herein.

8. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

9. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5223]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN BOARD OF
THE TOWN OF BETHANY, Genesee county, *against*
ERIE RAILROAD COMPANY as to a highway grade cross-
ing of said railroad.

The town board of the Town of Bethany filed a complaint with the Commission on the 2nd day of October, 1915, alleging that the grade crossing of the Erie railroad in the hamlet of Linden, town of Bethany, Genesee county, and one of the main highways of said town, at the Linden station, was dangerous, and asking that the Commission require the Erie Railroad Company to make such crossing safe and adequate; the answer of the respondent which was filed with the Commission on November 5, 1915, denies that the said crossing requires any further protection, and claims that the same is reasonably safe and adequate for the traveling public. A hearing was held by the Commission in this case at the common council chambers in the city of Batavia on the 5th day of July, 1916, and after certain proofs and proceedings at said hearing, the same was adjourned to the crossing in question, where the Commissioner in charge made a careful study of the situation and took evidence concerning the same; on said hearing at both places Hon. Edward A. Washburn of Batavia appeared as attorney for the complainant; and Mr. Leander Gay, supervisor, Mr. George H. Cutcliffe, superintendent of highways, and Messrs. George Fleming, Charles R. Blood, and Leslie Burt, members of the town board of the Town of Bethany, appeared for said town; Mr. A. M. Hartung of 50 Church street, New York city, attorney, and Mr. F. S. Wheeler of Buffalo, division engineer, and E. J. Edmunds of Buffalo, trainmaster for the respondent, appeared on behalf of the Erie Railroad Company. Many suggestions were made by the interested parties as to the manner in which said crossing should be safeguarded, and finally it was agreed that the Erie Railroad Company should remove a small house now used for receiving and shipping milk, some distance from the place where it was then located, and build a retaining wall, and fill in the space between the traveled roadway and said wall so as to give deliverers of milk the opportunity of turning their teams and wagons, and to put a guard-rail around the outer edge of said filling. The Commission has received a communication from the attorney for the complainant dated September 25, 1916, saying that all of said changes and improvements had been made at said crossing except the placing of said guard-rail, and the officials of the respondent have given assurances that such guard-rail will be built at once; it is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, on condition however that the complaint may be renewed by any interested party upon showing to the Commission that the respondent has failed to construct said guard-rail.

[Case No. 5248]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE.
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE
TOWN OF ALEXANDER, Genesee county, under section
91 of the Railroad Law as to the partial closing of a
highway grade crossing of the New York, Lackawanna
and Western railway (leased to and operated by The
Delaware, Lackawanna and Western Railroad Com-
pany), at East Alexander station.

The work covered by the Commission's determination in the above entitled
matter having been entirely completed in accordance with the requirements
of said determination and approved plan to the satisfaction of the railroad
corporation, of this Commission, and of the Town of Alexander as shown by
letter dated October 3rd from the town clerk, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5249]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF
THE TOWN OF ALEXANDER, Genesee county, under
section 91 of the Railroad Law for the closing and
discontinuance of the first crossing west of the Alex-
ander station of the New York, Lackawanna and
Western railway (leased to and operated by The Dela-
ware, Lackawanna and Western Railroad Company).

The work covered by the Commission's determination in the above entitled
matter having been entirely completed in accordance with the requirements
of said determination and approved plan to the satisfaction of the railroad
corporation, of this Commission, and of the Town of Alexander as shown by
letter dated October 3rd from the town clerk, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5281]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the LOCKPORT BOARD OF COMMERCE *against* THE NEW YORK CENTRAL RAILROAD COMPANY and INTERNATIONAL RAILWAY COMPANY as to better connections between passenger trains on said railroad at Burt, Niagara county.

This case is brought before the Commission upon the complaint of the Lockport Board of Commerce against The New York Central Railroad Company and the International Railway Company as to the connections between passenger trains on said railroads at a station known as Burt, in the county of Niagara; and various hearings having been held by the Commission in this case, at which Roy H. Ernest, corporation counsel of the City of Lockport, and Charles Hickey of Lockport appeared as attorneys for the complainants; Mr. W. A. Williams, the president of the Lockport Board of Trade; John R. Earl, mayor of the City of Lockport; John Hoenig, and John J. Burt, aldermen of the City of Lockport; William A. Dickinson, secretary of the Board of Commerce, and many other members of said board appeared in behalf of the complainants; Morris Cohn of Niagara Falls appeared as attorney for the International Railway Company; and Maurice C. Spratt of Buffalo appeared as attorney for The New York Central Railroad Company. At said hearings certain proceedings were had and proofs taken, from which proofs and proceedings it satisfactorily appears to the Commission that The New York Central Railroad Company operates a steam railroad from Niagara Falls to Oswego which is known as the Ontario division of the New York Central railroad, which passes through Burt in an easterly and westerly direction, about eleven miles from the city of Lockport; that the International Railway Company operates an electric line between the city of Lockport and the village of Olcott, a distance of about twelve miles, which line passes through Burt and crosses the New York Central tracks by an under-pass; that said under-pass is in a cut under the New York Central railroad about sixteen feet deep; that the International Railway Company now maintains its station for Burt at a point 1100 feet from said crossing; and that likewise the New York Central maintains its station about 870 feet from such crossing; that there is considerable passenger traffic from points along the New York Central road desiring to go to Lockport and Olcott and who make the change to the International at Burt; in a similar manner, people from Lockport and Olcott and other points along the International line desiring to reach points along said New York Central Railroad, make the change at Burt; and in all such cases passengers are required to walk the distance from one station to the other. At the hearings, this condition was conceded by all parties to be inconvenient, and various plans have been suggested by said parties to remedy the same. It appears that there is ample room within the right of way of the New York Central from its station to such crossing to construct and maintain a convenient path to be used by passengers making such change; it was also shown that either at the top of the bank or in the cut by the side of the International Railway Company's tracks a satisfactory shelter station could be erected and maintained. The complainant herein asks that all passenger trains and cars of both railroads stop at such crossing, and the International Railway is willing to comply with that request, but The New York Central Railroad Company

deems it unreasonable to stop its passenger trains at said crossing after having stopped at the station only 870 feet away; that if said shelter station be built on a level with the International company's tracks, a platform should be constructed in connection therewith, and a stairway leading up to the top of the bank and to connect with such path should also be constructed. With these improvements the complainants would be satisfied. And it appears to the Commission that the same are in all respects required for the security and convenience of the traveling public; and the chief of the division of steam railroads of this Commission having personally inspected the said crossing and the physical conditions relating thereto, and having duly made his report in writing to the Commission under date of October 3, 1916, whereby it appears that it is entirely feasible to provide physical means of interchange for passengers between the said railroads at the said crossing. And the recommendation of the said report being that the said interchange facilities should be installed accordingly, by the joint action of the said The New York Central Railroad Company and the said International Railway Company, it is therefore hereby determined, that the said The New York Central Railroad Company and the International Railway Company be notified, by a service upon each of them of a copy of this determination, that this Commission requires and directs that the following repairs, improvements, changes, and additions shall be made as said crossing of the two railroads of the respondents at Burt, Niagara county, and that the same shall be made at the joint cost of said corporations, the division thereof to be agreed upon, fixed, and determined by an agreement between the said corporations to be made and entered into within thirty days from the time of the service of a copy hereof upon them, and that within the said period of thirty days the said corporations shall file with the Commission a statement that such an agreement has been made between them for a division or apportionment of the cost of such repairs, improvements, changes, or additions at said crossing.

That said repairs, improvements, changes, and additions for said interchange at said crossing are hereby specified, as follows: A shelter house not less than 12 feet long and 8 feet deep shall be erected, placed and maintained in the southeast corner of the land of The New York Central Railroad Company; that this shelter shall be closed on the west and south sides excepting for a doorway in the west side at the mid point; that the roof, of the overhanging type common to such shelters, shall be provided with sufficient overhang to protect from storms from the east; that a stairway not less than 4 feet wide, with open treads, and a suitable railing, be provided and maintained, which shall lead from the shelter house to a platform to be constructed at the foot of the slope of the cut on the International railway, such platform to be not less than 25 feet in length and 6 feet in width; that the platform be located at such point as will be best suited to the operating and physical conditions on the International railway, but that the stairs shall be located as near the southerly line of the right of way of the New York Central as possible, in order that the number of steps shall be kept to a minimum; that a cinder path not less than 4 feet in width be constructed from the shelter house westerly along the southerly right of way line of the New York Central railroad, and north thereof until it connects with the present walk now in existence just west of the water tank; that this cinder path be properly constructed by rolling or tamping into place; sufficient space should be left between the south side of the shelter house and the southerly right of way line of the New York Central in order that the cinder path may be constructed between them, thereby affording access to the stairway without passing through or around the shelter house.

752 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5532]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the FULTON LIGHT, HEAT AND POWER COMPANY *against* THE GRANBY PULP AND PAPER COMPANY; ARROW HEAD MILLS, INC.; OSWEGO RIVER POWER TRANSMISSION COMPANY; NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY; and NELSON L. WHITAKER, as to alleged violation of law, particularly the Public Service Commissions Law.

Upon the facts found and for the reasons stated in the accompanying opinion, it is

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5594]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the EMPIRE GAS AND ELECTRIC COMPANY and EMPIRE COKE COMPANY under section 69, Public Service Commissions Law, for authority to issue \$61,000 in joint first and refunding mortgage 5 per cent gold bonds.

Petition filed June 9, 1916; report of division of light, heat, and power dated September 28, 1916; report division of capitalization dated October 3, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Gas and Electric Company is hereby authorized to issue \$61,000 face value of its 5 per cent thirty-year joint first and refunding mortgage bonds under a certain indenture dated March 1, 1911, given to the Pennsylvania Company for Insurances on Lives and Granting Annuities as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$61,000 shall be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$54,900.

3. That said bonds of the face value of \$61,000 so authorized, or the net proceeds thereof to the amount of \$54,900, shall be used solely and exclusively for the following purposes:

(a) For the purchase and installation of the following equipment:		
1. One motor driven centrifugal feed pump complete in each of the Geneva and Auburn steam plants..	\$3,025.00	
2. One regulator complete in each sub-station at Lyons, Clyde, Palmyra, Newark, Seneca Falls, and Waterloo, and three in Geneva.....	15,659.70	
3. High tension insulators, together with pins, bolts, tie-wires, etc., account of transmission line between Geneva and Waterloo.....	1,617.00	
4. New crossarms, insulators, and pins account of increase in voltage from 6600 to 13200 volts.....	2,503.20	
5. One 24-marble switchboard panel, with switches and instruments, 150 ft. of 00 3 conductor cable, choke coils, potheads, conduit, conduit bends, and cable racks at Geneva plant.....	924.00	
6. Eighteen brick switch compartments, additional current transformers, iron conduit for cables, additional busbars and cables, special high capacity switches in cells in the Auburn sub-station.....	2,700.00	
7. Outdoor switch with foundations and ducts, and outdoor arresters with foundations and ducts at the Auburn sub-station	5,000 00	
8. Two outdoor oil switches, one hour-gap switch, six choke coils, etc., account of extension of transmission line to connect with the new plant of the Seneca Power Corporation	3,720.00	
9. One vertical wheel to operate a 300-kw. generator, together with necessary switchboard and governing apparatus at Lyons plant.....	9,500.00	
		\$44,648.90
(b) For the purchase of equipment for periodically testing oil in connection with high tension transformers.....		250.00
(c) For the enlargement of office building at Seneca Falls.....		6,000.00
(d) For the purchase of the following transformers for the Auburn plant:		
3 75-kw.....	\$1,065.00	
8 250-kw.....	3,600.00	
		4,665.00
		\$55,563.90
Amount unprovided for		\$663.90

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (d) inclusive hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

4. That if the said bonds of a total face value of \$61,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$55,563.90, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of items (a) to (d) inclusive of ordering clause No. 3 hereof, shall be used for any purpose without the further order of this Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Gas and Electric Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

6. That the Empire Gas and Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the bonds herein authorized and the account or accounts under the Uniform System of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital; (f) a summary of the expenditures for each of such purposes during the period covered by the report; (g) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5604]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the SCHENECTADY ILLUMINATING COMPANY under section 69, Public Service Commissions Law, for authority to make a mortgage or other agreement; to issue bonds; to issue common capital stock

Petition filed June 13, 1916; details of fixed capital expenditures during the calendar years 1913 to 1915 inclusive, filed June 13, 1916; first amendatory petition filed July 2, 1916; report of division of capitalization dated July 17, 1916; report of electrical engineer dated July 21, 1916; final report of division of capitalization dated August 10, 1916; second amendatory petition filed September 6, 1916; supplement to final report of division of capitalization dated September 18, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entry contained in the final report of the division of capitalization in this proceeding dated

August 10, 1916, which on the same day was sent to the corporation, such entry being shown on page 9 thereof, shall be entered upon the books of the Schenectady Illuminating Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entry has been made.

2. That the Schenectady Illuminating Company is hereby authorized to issue \$1,264,800 face value of its 5 per cent forty-year debenture bonds, provided that none of such bonds shall be issued under the authority of this order until the terms and conditions of said debentures shall have been submitted to and approved by this Commission.

3. That the Schenectady Illuminating Company is hereby authorized to issue \$702,200 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$702,200.

4. That said bonds of the total face value of \$1,264,800 when issued shall be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$1,138,320.

5. That said securities of the face and par value of \$1,967,000 so authorized, or the proceeds thereof to the amount of \$1,840,520, shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations outstanding at December 31, 1915, or the renewals thereof, as follows:

1. Bills and accounts owing to system corporations..	\$236,813.45	
2. Other bills payable.....	1,133,750.00	
3. Interest accrued	3,574.09	
		\$1,374,137 54

(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the calendar years 1913 to 1915 inclusive, not obtained from the issue of stocks, bonds, notes, or other evidences of indebtedness of such corporation.....

316,745.78

(c) For working capital

150,000.00

\$1,840,883.32

Amount unprovided for..... \$363.32

in so far as the same may be applicable, provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business.

6. That if the said securities of a total face and par value of \$1,967,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,840,883.32, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of items (a) to (c) inclusive of ordering clause No. 5 hereof, shall be used for any purpose without the further order of this Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Schenectady Illuminating Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Schenectady Illuminating Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended during such period of the proceeds of the securities herein authorized for subdivision (a) of ordering clause No. 5 hereof, and the account or accounts under the Uniform System of Accounts for Electrical Corporation to which the expenditures for such purpose have been charged:

(f) the amount used during such period of the proceeds of the securities herein authorized for subdivisions (b) and (c) of ordering clause No. 5 hereof. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended and used the report shall set forth such fact.

9. That the Schenectady Illuminating Company is hereby authorized to sell the 7022 shares, each of the par value of \$100, aggregating a total par value of \$702,200, of common capital stock herein authorized to be issued to the General Electric Company, and the General Electric Company is hereby authorized to acquire and hold such stock of the Schenectady Illuminating Company so authorized.

10. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MOHAWK GAS COMPANY OF SCHENECTADY under section 69, Public Service Commissions Law, for authority to issue \$574,800 common capital stock; and under section 70 as to the Schenectady Illuminating Company acquiring this and other unissued stock of this petitioner; and petition of the Schenectady Illuminating Company under section 70.

In the matter of the supplemental petition of Mohawk Gas Company of Schenectady.

Petition filed June 23, 1916; details of fixed capital expenditures during calendar years 1913 to 1915 inclusive, filed June 23, 1916; report of division of capitalization dated July 24, 1916; report of gas engineer dated August 4, 1916; first amendatory petition filed August 7, 1916; final report of division

of capitalization dated August 10, 1916; second amendatory petition filed September 6, 1916; supplement to final report of division of capitalization dated September 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entry contained in the final report of the division of capitalization in this proceeding dated August 10, 1916, as amended by the supplement thereto dated September 16, 1916, copies of which reports were sent to the corporation, such entry being listed on page 8 of the former, shall be entered upon the books of the Mohawk Gas Company of Schenectady, and that within thirty days from the service of this order verified proof shall be submitted that such entries have been made.

2. That the Mohawk Gas Company of Schenectady is hereby authorized to issue \$499,800 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$499,800.

3. That said stock of the par value of \$499,800 so authorized, or the proceeds thereof to the amount of \$499,800, shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations outstanding at December 31, 1915, or the renewals thereof, as follows:	
1. Bills and accounts owing to system corporations.....	\$285,584.35
2. Miscellaneous accounts payable.....	17,103.45
3. Interest accrued	1,885.96
	<hr/>
	\$254,073.76
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the calendar years 1913 to 1915 inclusive, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	
	245,806.49
	<hr/>
	\$499,880.25
	<hr/>
Amount unprovided for.....	\$80.25

4. That if the said stock of a total par value of \$499,800 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$499,880.25, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of items (a) and (b) of ordering clause No. 3 hereof, shall be used for any purpose without the further order of the Commission.

5. That the Mohawk Gas Company of Schenectady shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such stock was sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) in detail the amount expended during such period of the proceeds of the stock herein authorized for subdivision (a) of ordering clause No. 3 hereof and the account or accounts under the Uniform System of Accounts for Gas Corporations to which the expenditures for such purpose have been charged; (f) the amount used during such period of the proceeds of the stock herein authorized for subdivision (b) of ordering clause No. 3 hereof. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended and used the report shall set forth such fact.

6. That the Mohawk Gas Company of Schenectady is hereby authorized to sell the 4998 shares each of the par value of \$100, aggregating a total par value of \$499,800, of common capital stock herein authorized to be issued to the Schenectady Illuminating Company, and the Schenectady Illuminating Company is hereby authorized to acquire and hold such stock of the Mohawk Gas Company of Schenectady so authorized; and the Schenectady Illuminating Company is also authorized to acquire and hold \$870,300 par value of

common capital stock of the Mohawk Gas Company of Schenectady authorized to be issued by order entered under date of April 27, 1916, in case No. 2690.

7. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 1 of this order shall have been made, reported to, and approved as sufficient by this Commission.

8. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5619]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CITY OF LOCKPORT *against* INTERNATIONAL RAILWAY COMPANY as to protection at two highway crossings.

The City of Lockport, through its common council, has brought this case before the Commission asking that a flagman be stationed at the grade crossing of the Hinman road highway and the International railway at Lockport; and such petition alleges among other things that the crossing is not now protected in any way: by flagman, warning bells, or other danger signal, and that said crossing is dangerous because the cars of the International are operated at a high rate of speed over the same, and that the approach of cars is obscured until people upon the highway reach the railroad tracks. A further complaint is made in this case that the International Railway Company operates its electric railroad around the westerly side of the city of Lockport, crossing a public street known as West avenue, and then crossing by an under-pass The New York Central Railroad Company's tracks around the gulf to what is commonly known as "Lower Town" in said city; that said line is used almost wholly for freight traffic with electric locomotives; that the New York Central railroad at the point of crossing is elevated on an embankment about 15 feet high, and that when the International cars pass from the north of the said embankment they can not be seen until they are directly upon the street crossing; that there is no flagman maintained at the crossing, and no warning bell or other danger signal to warn persons using West avenue of an approaching train.

The answer of the respondent shows that Hinman road is a country highway, and that a flagman or any other crossing protection there is wholly

unnecessary; as to the crossing of West avenue by the gulf line of the respondent, it is alleged that not more than three regular trains go over such crossing each way within 24 hours, and that no flagman, gates, or other crossing protection is required.

On the 16th day of September, 1916, the Commission held a hearing in this case in the city of Lockport, at which hearing Mr. Roy H. Ernest, corporation counsel, and James Watt, alderman of the City of Lockport, appeared, together with Henry P. Murphy, an interested party, all on behalf of the complainant; Mr. E. E. Franchot, of the firm of Cohn, Chormann and Franchot of Niagara Falls, appeared as attorney for the respondent, together with Mr. A. S. Henry, superintendent of transportation; on said hearing considerable proof was taken as to the condition of both such crossings; and subsequently on the 30th day of September, 1916, on said Hinman crossing, a further hearing was held, at which all of said parties, together with other interested citizens, appeared, and further proceedings were had and proofs taken. It appears satisfactorily to the Commission from all such proceedings and proofs that the Hinman road is one of the important highways leading into the city of Lockport from the southwest and is much traveled; that the crossing is not in any sense an obscure one, but the approach of cars from either direction may be observed for hundreds of feet by people in the highway at points at least two hundred feet from the crossing on either side thereof; it was suggested at the last hearing that two fruit trees with low branches on the easterly side of the railroad tracks, and in the triangle between such tracks and the Hinman road, which are growing on the land of the Ontario Power Company, should be removed, and that the waiting station on the westerly side of the tracks should be moved to a point nearer the crossing, as well for the convenience of passengers as for a clearer view from points in the highway west of the crossing; these matters the respondent agreed to take care of immediately, and also agreed to erect and maintain an elevated crossing-sign on the easterly side of the crossing at about the same distance from said crossing as is located the crossing-sign on the westerly side thereof. With these improvements it is believed that such crossing will be made reasonably free from danger to those using the highway without requiring the installation of a bell or other warning, or the placing of a flagman at said crossing.

As to the West Avenue crossing, it developed on the hearing that the few trains operated by the International Railway Company over the gulf line run at a speed of about four miles an hour as they emerge from said underpass and across the street, and it was agreed by Alderman Watt at the first hearing that if the trains and cars which cross West avenue at the point mentioned should be preceded by a flagman to warn people on the street of the approach of the train, the complaint would be satisfied; whereupon the representatives of the respondent agreed to follow that practice in the future. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, on condition however that the complaint may be renewed by any interested party upon showing to the Commission that the respondent has failed to comply with any of the conditions herein mentioned.

[Case No. 5640]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Complaints against the BUFFALO
SOUTHERN RAILWAY COMPANY and the Receiver
thereof, concerning service in the town of West
Seneca, and to Main street in the city of Buffalo.

Several complaints have been made in this case, the chief ones being from the Gardenville Business Men's Association, the West Seneca Business Men's and Taxpayers' Association, and Hon. John B. Weber of the city of Lackawanna, all alleging that the service on the Buffalo Southern railway over its several lines in the town of West Seneca, and to Main street in the city of Buffalo, is and for a long time has been inadequate, and that no proper schedule for the running of cars is maintained. The Commission took up the matter by conferring with all the complainants and the receiver and attorneys for the respondent; such conference was held in the city of Buffalo, and adjourned from time to time in order to hear all of the interested parties. At said hearings Mr. George Hensinger of Gardenville, N. Y., appeared for the Gardenville Business Men's Association; Mr. William J. Hagner, jr., of 44 Birch street, Buffalo, appeared for the West Seneca Business Men's and Taxpayers' Association; Hon. John B. Weber of Lackawanna appeared on behalf of himself and other complainants; Mr. Charles M. Gaffney, Ellicott Square, Buffalo, appeared as attorney for several of the employees of the respondent; Mr. Christian Schutt appeared as supervisor of the Town of West Seneca; Hon. Asher B. Emery, City Hall, Buffalo, appeared as attorney for the County of Erie; Mr. William J. Doetsch, Ellicott Square, Buffalo, appeared as attorney for the Town of West Seneca; Mr. N. A. Bundy, Receiver of the respondent, 73 Indian Church road, Buffalo; and Mr. John W. Ryan, of the firm of Moot, Sprague, Brownell and Marcy, Erie County Savings Bank Building, Buffalo, appeared as attorney for said Receiver; and Hon. Louis Wiard of Batavia, State Industrial Commissioner, also appeared; and on said hearings certain proofs were taken and proceedings had whereby it satisfactorily appears to the Commission that a strike on the part of the motormen and conductors of the respondent was then in force, and had been in force for a long time, over a dispute between such employees and receiver of the company, and that by reason of such strike none of the cars of the respondent were running on any of its lines; shortly after such hearings the said strike was declared off and service was resumed upon the lines of railroad of the respondent, and has just been reestablished on the line leading to Main street, in the city of Buffalo, as appears from the letter of John B. Weber dated October 3, 1916, and filed with the papers in this case. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5657]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of HENRY D. KEYSER and
CLARENCE C. MERRICK under chapter 667 of the Laws
of 1915 for a certificate of public convenience and
necessity for the operation of a stage route by auto
busses in the city of Ithaca, it being proposed that
the route shall also be operated between Ithaca and
the incorporated village of Watkins and Watkins
Glen. Petition for assignment of certificate to Clar-
ence C. Merrick.

August 24, 1916, this Commission issued a certificate of public convenience
and necessity to Henry D. Keyser and Clarence C. Merrick for the operation
of a stage route by auto busses in the city of Ithaca, as a part of a route
to be operated between Ithaca and the village of Watkins and Watkins Glen.
The grantees of the certificate now petition the Commission for its consent to
the assignment by Keyser to Merrick of Keyser's interest in said certificate.
The Commission has been informed by the city clerk of the City of Ithaca
that the municipal authorities have no objection to such assignment. It is
therefore

Ordered: That the consent of the Commission be and hereby is given to
the assignment by Henry D. Keyser to Clarence C. Merrick of the interest of
said Keyser in the certificate of public convenience and necessity granted by
the Commission to said Keyser and Merrick August 24, 1916.

[Case No. 5662]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the GENERAL ELECTRIC
COMPANY under section 70, Public Service Commis-
sions Law, for consent to acquire Schenectady Illumi-
nating Company stock.

Petition filed August 12, 1916. The General Electric Company in its peti-
tion in this proceeding states that it is the owner of 20,791 shares, each of
the par value of \$100, aggregating a par value of \$2,079,100, of the common
capital stock of the Schenectady Illuminating Company: or nine shares less
than the total outstanding common stock of that corporation, which nine
shares stand in the name of nine directors of the Schenectady Illuminating
Company. It asks for permission to acquire any stock of the Illuminating

company which that corporation may be authorized to issue as a result of its applications now before the Commission in cases Nos. 2691 and 5604. Under date of April 27, 1916 (case No. 2691), the Schenectady Illuminating Company was authorized to issue \$886,700 par value of its common capital stock, but by order of even date herewith, as a result of a supplemental application, such order was superseded by an authorization for \$985,200 face value of 5 per cent 40-year debenture bonds, to be sold for not less than 90 per cent of their face value and accrued interest. Since that date no additional stock has been authorized in that proceeding. By order of even date herewith in case No. 5604, however, the Illuminating company was authorized, among other things, to issue and sell at not less than its par value \$702,200 par value of common capital stock, and use the proceeds realized therefrom for certain defined purposes. Now therefore

Ordered: That the General Electric Company is hereby authorized to acquire and hold the 7022 shares, each of the par value of \$100, aggregating a par value of \$702,200, of the common capital stock of the Schenectady Illuminating Company which that corporation is authorized to issue by order of even date herewith in case No. 5604, provided that the net cost to it of such stock shall be the par value thereof.

[Case No. 5682]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE SEELY ELECTRIC COMPANY, of Spencer, under section 69 of the Public Service Commissions Law for authority to issue \$11,300 common capital stock.

Petition filed August 22, 1916; certified copy of certificate of incorporation and certificate of increase of capital stock filed September 22, 1916; report of division of light, heat, and power dated September 29, 1916. Now therefore, upon the foregoing record.

Ordered as follows: 1. That The Seely Electric Company is hereby authorized to issue \$11,300 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$11,300.

2. That said stock of the par value of \$11,300 so authorized, or the proceeds thereof to the amount of \$11,300, shall be used solely and exclusively for the following purposes:

(a) For the discharge of the following one year 6% promissory notes outstanding June 30, 1916, or the renewals thereof:

1 dated April 21, 1915.....	\$216.35
1 dated June 10, 1915.....	1,500.00

\$1,716.35

(b) For the purchase from The S. Alfred Seely Company of a boiler plant and accessories, as follows: 1 100-hp. Erie City horizontal tubular boiler; 1 60-hp. Atlas horizontal tubular boiler; feed water heater, pump, and injector; brick boiler house, brick chimney and connections

1,600.00

(c) For estimated cost of new construction, as follows:

1. 17 x 18" uniflow engine.....	\$3,800.00	
2. 125-kva. alternator and exciter.....	1,575.00	
3. 4-panel switchboard with switches and instruments complete	700.00	
4. Engine foundation, piping, and valves.....	300.00	
5. Feed water heater, steam separator, traps, etc.	200.00	
6. Tile building with roof and floor.....	760.00	
7. Engineering and superintendence.....	250.00	
8. Contingencies	400.00	
		<hr/>
		\$7,985.00
		<hr/>
		\$11,301.35

Amount unprovided for..... \$1.35

in so far as the same may be applicable, provided (1) that such stock or the proceeds thereof shall be applied on such new construction summarized in subdivisions (b) and (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of the stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

3. That The Seely Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) with respect to subdivision (a) of ordering clause No. 2 herein, there shall be shown the amount expended in reasonable detail of the proceeds of the stock herein authorized, and stating to what account or accounts under the Uniform System of Accounts for Electrical Corporations such expenditures have been charged; (f) with respect to subdivisions (b) and (c) of ordering clause No. 2 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period

reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, conduits, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of East Hamburg, Erie county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

The petitioner, The Depew and Lancaster Light, Power and Conduit Company, filed its petition in this proceeding on the 17th day of August, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the town of East Hamburg, for the purpose of using, transmitting, distributing, and furnishing electricity to said town of East Hamburg and the inhabitants thereof for light, heat, and power; and for approval of the exercise of a franchise to use said streets, alleys, and public ways for such purpose received from the town board and superintendent of highways of said town, and dated August 10, 1916; thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 14th day of September, 1916; and proof of the publication of said notice having been duly filed; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 6th day of October, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, of Buffalo, appeared as attorney for the petitioner, together with Mr. Ernest Feyler, the president of said petitioner; and there were other appearances by interested parties, but no objection was made to the petition herein; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner

is a domestic corporation and is desirous of extending its service and constructing and operating its electric distribution plant from its existing lines to and through the streets, alleys, highways, and public ways of the town of East Hamburg, in accordance with the said franchise therefor received from the authorities of said town; and to construct, maintain, and operate all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances as may be necessary to use, distribute, and furnish electricity for light, heat, and power to the said town of East Hamburg and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all of said papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to The Depew and Lancaster Light, Power and Conduit Company to construct, maintain, and operate the said electric plant and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said town of East Hamburg for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of East Hamburg and the inhabitants thereof, as specifically provided in said franchise.

2. That permission and approval are hereby given to the said The Depew and Lancaster Light, Power and Conduit Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and highway superintendent of the Town of East Hamburg on the 10th day of August, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commissioner of Highways.

[Case No. 5684]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, conduits, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Clarence, Erie county, and for approval of the exercise of rights and privileges under a franchise therefor received from the town.

The petitioner, The Depew and Lancaster Light, Power and Conduit Company, filed its petition in this proceeding on the 17th day of August, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, in, through, upon, under, and

across all of the streets, alleys, highways, and public ways of the town of Clarence for the purpose of using, transmitting, distributing, and furnishing electricity to said town of Clarence and the inhabitants thereof for light, heat, and power; and for approval of the exercise of a franchise to use said streets, alleys, and public ways for such purpose received from the town board and superintendent of highways of said town, and dated July 22, 1916; thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 16th day of September, 1916; and proof of the publication of said notice having been duly filed; and a hearing having been duly held herein by the Commission in the city of Buffalo on the 6th day of October, 1916, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, of Buffalo, appeared as attorney for the petitioner, together with Mr. Ernest Fayler, the president of said petitioner; and there were other appearances by interested parties, including Mr. Theodore Krehbiel, the supervisor of the Town of Clarence, but no objection was made to the petition herein; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electric distribution plant from its existing lines to and through the streets, alleys, highways, and public ways of the town of Clarence, in accordance with the said franchise therefor received from the authorities of said town, and to construct, maintain, and operate all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances as may be necessary to use, distribute, and furnish electricity for light, heat, and power to the said town of Clarence and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all of said papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to The Depew and Lancaster Light, Power and Conduit Company to construct, maintain, and operate the said electric plant and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said town of Clarence for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of Clarence and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said The Depew and Lancaster Light, Power and Conduit Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and highway superintendent of the Town of Clarence on the 22d day of July, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 1502]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the Matter of Fixing Standards for the Measurement of the Purity, Illuminating Power, and Heating Power of Gas to be Manufactured, Distributed, or Sold by Persons, Corporations, or Municipalities for Lighting, Heating, or Power Purposes.

In pursuance of the authority created by paragraph 3 of section 66 of the Public Service Commissions Law, as amended by section 2 of chapter 504 of the laws of 1913, which among other things provides that this Commission shall "Have power by order to fix from time to time standards for the measurement of the purity of gas and for the measurement of the illuminating power of gas and for the measurement of the heating power of gas to be manufactured, distributed, or sold by persons, corporations, or municipalities for lighting, heating, or power purposes, notwithstanding that another standard for the measurement of any thereof may have been fixed by statute"; and after an exhaustive investigation of the conditions governing the choice of a proper quality standard for manufactured gas by a joint committee on calorimetry of the Public Service Commission and gas corporations in the Second Public Service District of the State of New York, the printed report of which committee and of its conclusions and recommendations under date of March 6, 1913, having been duly made to and filed with this Commission; and after further and extended inquiry and consideration by this Commission, and various public hearings held in the cities of Albany and New York and elsewhere in this State; and this Commission being unanimously and unreservedly of opinion that a change from the present illuminating standard to a heat unit standard of gas properly should be provided and established, it is hereby

Ordered: 1. That on and after January 1, 1917, all coal gas, carburetted water gas, and mixed coal and carburetted water gas, manufactured and sold by persons, corporations, and municipalities, in amounts exceeding twenty million (20,000,000) cubic feet per annum, for light, heat, or power, shall, when measured at the place provided for making the test and corrected to a temperature of sixty (60) degrees *F.*, and a pressure of thirty (30) inches of mercury, have a monthly average total heating power of not less than five hundred and eighty-five (585) British thermal units per cubic foot, and shall not for any three (3) consecutive days in such month average more than five (5) per cent below five hundred and eighty-five (585) British thermal units per cubic foot. The test to determine the heating value of the gas shall be made according to approved methods, within a two (2) mile radius of the manufacturing plant, at a location selected by the company or municipality and approved by the Commission, such location however to be subject to change by the Commission; provided, however, that where manufactured gas is delivered to the mains at a pressure above five (5) pounds per square inch, it shall be tested for heating value before compression.

2. That each one hundred cubic feet of said gas shall contain not more than ten grains of ammonia, nor more than thirty grains of sulphur compounds.

3. That the gas sold, or manufactured and sold, shall exhibit no trace of hydrogen sulphide when tested as follows: If a strip of white paper moistened with five (5) per cent by weight solution of acetate of lead, and exposed to a

current of gas flowing at a rate of about five (5) cubic feet per hour, does not after thirty seconds of such exposure become discolored, the gas shall be considered to contain no hydrogen sulphide.

4. That every person, corporation, and municipality selling gas to the public shall keep posted in its principal office, in a place readily accessible to its customers, a statement of the average daily heating power of the gas furnished during the preceding calendar month, in order that the consumers and the public may be advised of the quality of the gas being supplied; all such records shall be permanently retained by the respective compilers thereof and shall be at all times available for examination by this Commission.

5. That in case any person, corporation, or municipality subject to this order is unable to provide and install before January 1, 1917, proper apparatus, tested and certified to be correct by this Commission, for measuring the heating power of the gas manufactured or sold by it, application may be made by such person, corporation, or municipality for an extension of the time within which this order shall take effect as to such person, corporation, or municipality. If upon such an application it appears that due diligence has been used, a reasonable extension may be granted; provided, however, that until the expiration of any such extension the standards at present in force shall obtain and be observed by the person, corporation, or municipality in whose favor such extension shall have been granted.

6. That except as herein otherwise provided, the order of the Commission of Gas and Electricity entered June 15, 1907, and all other requirements relating to standards of heating power, illuminating power, and purity of gas manufactured and sold by persons, corporations, and municipalities for light, heat, or power purposes, are hereby superseded by this order, pursuant to the authority vested in this Commission.

7. That any person, corporation, or municipality manufacturing and selling less than twenty million (20,000,000) cubic feet of coal gas, carburetted water gas, and mixed coal and carburetted water gas, per annum for light, heat, or power, may, with the approval and consent of this Commission, adopt the standards created by and become subject to the other provisions and requirements of this order, precisely as in the case of persons, corporations, or municipalities manufacturing and selling in excess of twenty million (20,000,000) cubic feet of gas per annum.

8. This order is intended to relate only to the creation and establishment of a heat unit standard in place of the existing illuminating power standard for gas, and is not intended to in anywise affect existing tariff schedules, rates, or lighting contracts now in force in the Second Public Service District of the State of New York.

[Case No. 4555]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the NIAGARA RIVER & EASTERN RAILROAD COMPANY, INC., for a certificate of public convenience and a necessity under section 9 of the Railroad Law; and for permission and approval to exercise its franchises and for leave to commence construction under section 53 of the Public Service Commissions Law; and for a determination as to the method of crossing streets, avenues, highways, and roads in accordance with the provisions of section 89 of the Railroad Law.

Upon the facts found and conclusions stated in the opinion of Commissioner Hodson, which is approved and filed in this case, it is

Ordered: That the application of the petitioner herein be and the same hereby is denied.

[Case No. 4974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of PUBLIC SERVICE CORPORATION OF LONG ISLAND under section 69 of the Public Service Commissions Law for authority to issue \$138,750 in first mortgage 5 per cent gold bonds under an existing mortgage, and \$67,100 common capital stock.

Amendatory
order.

Under date of August 24, 1916, an order was made by this Commission in the above entitled case requiring certain reports to be filed by the corporation within twenty days from September 1, 1916, and within twenty days from the first of each calendar month thereafter. The petitioner has notified the Commission in writing that it is impossible for it to fulfill this specific provision of the order, and requests that it be allowed an additional twenty days within which to file these reports. It is therefore

Ordered: 1. That paragraph numbered 3 of the order of August 24, 1916, be and it hereby is amended by providing that the reports required by said order shall be filed by the Public Service Corporation of Long Island within forty days from September 1, 1916, and within forty days from the first of

each calendar month thereafter; and in all other respects said order of August 24, 1916, shall remain in full force and effect.

2. That the respondent shall notify the Commission within ten days of the receipt of a certified copy of this order whether or not it accepts the provisions hereof.

[Case No. 5009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CHAMBER OF COMMERCE OF THE CITY OF NEWBURGH *against* ERIE RAILROAD COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY, refusal to make a switching charge from the West Shore railroad to spur at West Newburgh.

This Commission duly made and entered its order herein under date of March 23, 1916, requiring "That the Erie Railroad Company shall establish a proper charge for switching cars between points on the Fabrikoid siding (which connects with the tracks of said corporation at a point west of the corporate limits of the city of Newburgh and extends in an easterly direction to its terminus in said city) and the said corporation's connection with the West Shore railroad at Newburgh; and that The New York Central Railroad Company shall establish a proper absorption regulation in connection with said switching charge"; and thereafter another order was duly made and entered herein under date of July 18, 1916, denying the application of the respondent, Erie Railroad Company, for rehearing and for vacation of said order of date March 23, 1916. Following the promulgation of the last referred to order, and because the respondent, Erie Railroad Company, had refused to accept the switching charge proposed by the Commission in its decision upon which was based the aforesaid order of March 23, 1916, and had failed to establish a charge for the switching of cars as directed in said order, a hearing was held in the city of Albany on the 11th day of September, 1916, upon (a) proper switching charges to be established by the respondent, Erie Railroad Company, for such switching service at Newburgh, N. Y.; and (b) proper regulations to be established by respondent, The New York Central Railroad Company (lessee West Shore Railroad), for the absorption by it out of road-haul revenues of such switching charges, in whole or in part, on carload freight originating at or destined for delivery to points on said Fabrikoid siding in Newburgh, N. Y., when such shipments were transported by it from or to Newburgh, N. Y. The appearances at this hearing were M. B. Pierce for Erie Railroad Company; John M. Sternhagen and W. A. Newman for The New York Central Railroad Company; Scott and Sneed for the Chamber of Commerce of the City of Newburgh; The Dupont Fabrikoid Company by Harry J. Haon; the Newburgh Lumber Company by Samuel L. Stewart; and the Stroock Plush Company by George Smith. The record in this case shows that the respondent, The New York Central Railroad Company, in connection with carload shipments of freight originating at or destined to points on Fabrikoid siding, Newburgh, N. Y., which were transported to and from Newburgh over its lines, stipulated and agreed that it would establish regulations which would provide for the absorption of Erie Railroad Company's switching charges, respectively, of \$5 and \$6 per

car when the minimum revenues for road haul of carriers performing service from point of shipment to destination were respectively \$17.50 and \$20 per car, and that switching charges of larger amounts than \$6 would be absorbed proportionately on increased road-haul revenue. In other words, when that revenue exceeds \$20 per car, switching charges in an amount of not exceeding 30 per cent of the road-haul revenue would be absorbed. The Commission is of opinion, after duly considering all the facts in this case, that the proposed absorption regulations of the said respondent, The New York Central Railroad Company, are just and reasonable. It is therefore

Ordered: 1. That the respondent, Erie Railroad Company, be and is hereby ordered to establish, on or before November 1, 1916, for the switching of carload freight between points in the city of Newburgh on the Fabrikoid siding and said corporation's connections with the tracks of the West Shore railroad at Newburgh, N. Y., a charge of thirty cents per ton, minimum \$7.50 per car, to apply in connection with intrastate shipments.

2. That the respondent, The New York Central Railroad Company, be and it hereby is authorized and directed to amend, effective not later than November 1, 1916, its freight tariff of switching absorptions at junction points and provide therein regulations to apply at Newburgh, N. Y., for the absorption of Erie Railroad Company's switching charges in connection with intrastate carload shipments transported over its lines when forwarded from or destined to points on said Fabrikoid siding, as follows: When minimum revenue for road-haul of the carriers performing service from point of shipment to destination is \$17.50 per car, maximum switching charges absorbed shall be \$5 per car; when said minimum revenue is \$20 per car, maximum switching charges absorbed shall be \$6 per car; when said minimum revenue is in excess of \$20 per car, the maximum switching charges absorbed shall be 30 per cent of road-haul revenue, but not exceeding thirty cents per ton on cars of twenty-five tons or more, and not more than \$7.50 per car on cars of less than twenty-five tons.

3. That said respondents shall notify the Commission within ten days from the service of this order whether the terms thereof are accepted and will be obeyed.

4. This order shall continue in force until changed or abrogated by an order of this Commission.

[Case No. 5537]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under section 53, Railroad Law (chapter 559, laws of 1915), of JOHN J. MCINERNEY as counsel of New York State Motor Federation, Inc., *against* RECEIVERS, ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY, asking that gates be placed at a point where the Penfield road highway and said company's railway cross at grade near Brighton, Monroe county.

Complaint having been made by John J. McInerney, as counsel of the New York State Motor Federation, Inc., against the receivers of the Rochester, Syracuse and Eastern Railroad Company, under section 53 of the Railroad

Law (chapter 559, laws of 1915), asking that gates be placed at a point where the Penfield road highway and the said company's railroad cross at grade near Brighton, Monroe county; and respondents having made answer to the said complaint; and the case having come on for a hearing on the 4th day of October, 1916, at Rochester, N. Y., at which time and place all parties were represented, and an agreement was reached between them to the following effect:

That instead of securing protection for the said crossing by means of gates, all local cars bound in either direction shall hereafter be stopped upon the near side of the said crossing, and that westbound limited cars shall also be stopped in the same manner;

That eastbound limited cars shall slow down to a speed of four miles an hour over the said crossing;

That whistling shall be done away with on all cars which make the stop as aforesaid;

That the shelter which is now upon the west side of the highway shall be moved across to the east side thereof;

That the platform to accommodate traffic shall be placed on the west side of the crossing;

That another crossing signal, similar to the one now in use at this point, shall be placed upon the north side; and

That the signal posts now in use shall be taken down; and the parties in interest having agreed that this method of protecting the said crossing at Penfield road would be preferable to an installation of gates for that purpose, and that upon the agreement of respondents to institute the above mentioned changes the present proceeding may properly now be closed upon the records of the Commission; it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to either party to move to reopen same at a later date in case such reopening should then appear to be desirable.

[Case No. 5634]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of CLARENCE S. S.
ROWLEY AND OTHER RESIDENTS OF MENDOLA STREET,
BUFFALO, *against* RECEIVERS, BUFFALO GAS COMPANY,
asking that gas pipes be laid in said street from the
east line of Deerfield avenue to the west line of
Wyoming avenue.

In this matter the company answered that the gas pipes would be laid as asked for; and under date of October 4, 1916, representative of complainants notified the Commission that the work of laying the pipes had been started, and that the case might be closed. It is therefore

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 5675]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of PROPERTY OWNERS ON EAST MAIN STREET BETWEEN JERSEY AVENUE AND THE NEVERSINK BRIDGE IN PORT JERVIS *against* PORT JERVIS LIGHT AND POWER COMPANY, asking that the company extend its gas mains in said street and furnish gas.

Certain residents of Port Jervis having complained against the Port Jervis Light and Power Company, asking for an extension of gas mains on East Main street in the village of Port Jervis; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing at the office of the Commission in the city of New York on Monday, September 18, 1916, at which said hearing only representatives of the respondent were in attendance: the complainants having notified the Commission, after the date of hearing had been fixed, that it would be inconvenient for them to attend a hearing in New York city, and that they desired a representative of the Commission to personally visit Port Jervis for the purpose of hearing the views of the complainants; and the respondents, at the said hearing on September 18, 1916, having presented their grounds for believing that the Commission should not make an order at this time directing an extension of respondent's mains on East Main street, as asked for by complainants: the respondent contending that the extension asked for would require the laying of nearly a mile of mains through a section which on account of the location, there of a large cemetery can never be much developed for building purposes, and that even after the mains had been brought to the neighborhood occupied by complainants the amount of business to be found there would be extremely small and wholly insufficient to compensate the company for its outlay; and thereafter the gas engineer of this Commission, Mr. C. F. Leonard, having by direction of the Commission visited Port Jervis, and having interviewed a number of the residents in the district for which gas is sought, and having ascertained from a careful canvass of the situation that the business now in sight would in his judgment fall far short of an amount sufficient to justify the making of a mandatory order such as is here asked for; and having made a report to the Commission stating this to be his opinion, and giving in detail his reasons therefor, and having indicated that in his opinion the only practicable basis for an extension of the mains on said East Main street would be under one of the several forms of agreement which are ordinarily employed in cases where the business in prospect is insufficient to justify an extension of a gas company's mains as a matter of business; and the Commission having considered the testimony and arguments presented at the hearing on September 18th on behalf of the respondent, and the facts and conclusions arrived at by its said gas engineer as the result of his personal investigation at Port Jervis and his interviews with the complainants; and having concluded that it would be an improper exercise of its power to make such an order as is asked for at this time, while altogether willing at any time to give further consideration to the question of ordering an extension under some proper form of agreement which would provide for contributions, in the first instance, from the prospective consumers, toward the original cost of the extension, and the subsequent re-payment of these contributions in the form of regular monthly allowances on the consumers' bills for gas; now, therefore, it is hereby

Ordered: That this complaint in its present form be and the same hereby is denied, but that the complainants shall at any time have the privilege of moving to reopen the case at any time that the respondent, upon the matter being presented to it, declares its unwillingness to enter into a reasonable agreement of the kind indicated for the extension of its mains; and that in the meantime this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5697]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE
UNINCORPORATED VILLAGE OF CANEADEA, Allegany
county, *against* THE PENNSYLVANIA RAILROAD COM-
PANY, asking that the station at that place be kept
open for the 10:40 p. m. train.

Residents of the unincorporated village of Caneadea, Allegany county, having complained against The Pennsylvania Railroad Company, asking that the station at that place be kept open until after the arrival and departure of the 10:40 train from Rochester in the evening; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing on the 4th day of October, 1916, at Rochester; and it appearing to the Commission from the testimony and arguments at the said hearing that it would not be an undue exaction upon the respondent to require that the station in question, after being closed at the usual hour in the evening as at present, shall be reopened some time between the hours of 9 and 10, and kept open until after the departure of the aforesaid 10:40 train from Rochester; good reasons having been shown why this should be done in the interest of the safety and convenience of the patrons of the road, and evidence having been presented also showing that the reopening of the station in the evening in this manner would entail but a nominal extra expense on the respondent; it is hereby

Ordered: That the respondent shall hereafter and until further order of this Commission keep its said station at Caneadea open for an approximate period of one hour each evening prior to the arrival and departure of the train which is now scheduled to leave there for points to the south at 10:40 p. m., and that during this period of one hour said station should be kept properly lighted, and when necessary, heated; and it is

Further Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to either party to move to reopen same at a later date in the event that circumstances shall then seem to require such reopening.

[Case No. 5731]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the BUFFALO PRODUCE EXCHANGE, representing the Frontier Sand and Gravel Corporation and Squaw Island Sand and Gravel Corporation, complainants, against THE NEW YORK CENTRAL RAILROAD COMPANY, respondent, as to proposed rate and carload minimum weight regulation applying in connection therewith on sand and gravel, in carloads, from North Tonawanda, N. Y., to Niagara Falls, N. Y.

It appearing that there have been filed with this Commission tariffs containing schedules stating rates and minimum weight regulations affecting rates and charges, to become effective as hereinafter noted and designated, as follows:

The New York Central Railroad Company: Supplement No. 3 to its P. S. C., 2 N. Y., N. Y. C. No. 2329, effective October 16, 1916; supplement No. 4 to its P. S. C., 2 N. Y., N. Y. C. No. 2329, effective October 30, 1916; it is

Ordered: That the Commission, upon complaint and without formal pleading, enter upon a hearing concerning the propriety and the lawfulness of the rates and regulations stated in the schedules contained in said tariffs in so far as said rates and regulations have the effect of increasing the rate and charge applying on shipments of sand and gravel, in carloads, from North Tonawanda, N. Y., to Niagara Falls, N. Y.

It further appearing that said schedules make certain increases in carload rates and changes in minimum weight regulation, and the rights and interests of the public appearing to be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the new rate and carload minimum weight regulation stated in the schedules contained in said tariffs which have the effect of increasing the carload rate and charge from North Tonawanda, N. Y., to Niagara Falls, N. Y., be postponed pending said hearing and decision thereon, it is further

Ordered: That the operation of the new rate and minimum weight regulation stated in the schedules contained in said tariffs which have the effect of increasing the carload rate and charge from North Tonawanda, N. Y., to Niagara Falls, N. Y., be suspended, and that the use of the said rate and regulation be deferred upon New York state traffic until the 1st day of February, 1917, unless otherwise ordered by the Commission; and it is further

Ordered: That a copy of this order be filed with said tariffs in the office of this Commission, and that a copy hereof be forthwith served upon The New York Central Railroad Company, and that said railroad company be and is hereby made respondent in this proceeding; and that said respondent be duly notified of time and place of hearing hereafter to be fixed herein.

776 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5393]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN OF BRANT, CHARLES NORDBLOOM, and BEMUS PIERCE *against* IROQUOIS NATURAL GAS COMPANY, SOUTH SHORE NATURAL GAS AND FUEL COMPANY, UNITED NATURAL GAS COMPANY, FINANCIE OIL COMPANY, and RESERVATION GAS COMPANY.

Upon the facts found and conclusions stated in the opinion of Commissioner Hodson, which is approved and filed in this case, it is

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of FRONTIER ELECTRIC RAILWAY COMPANY as to its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks; also as to certain franchises.

Appearances: Cohn, Chormann & Franchot, attorneys for Frontier Electric Railway Company; Hoyt & Spratt, attorneys The New York Central Railroad Company.

A petition having been filed with this Commission by Frontier Electric Railway Company for a determination of how its electric railway (single track at first, with possible additional tracks in the future) proposed to be constructed in and between the cities of Buffalo and Niagara Falls shall cross certain streets and highways, and certain creeks, and as to exercise of certain franchises; and a public hearing on said petition after due notice having been held in the city of Albany on September 6, 1916, at which those named hereinabove appeared; and it appearing that this proposed railway is to be laid adjacent to and at the same grade substantially as an extension of the International railway proposed to be constructed in and between said cities, in respect to which an order was made by this Commission on January 13, 1916, providing a method by which said extension shall cross streets and highways; and it appearing that the proposed railway is not a street surface railway;

1. Now, after due consideration, this Commission hereby determines, under section 89 of the Railroad Law, that it would be impracticable for the said railway of the Frontier Electric Railway Company to cross otherwise than at grade the streets and highways hereinafter named in the municipalities

hereinafter named except where a method of crossing otherwise than at grade is hereinafter named, and in such cases this Commission hereby determines that such crossing shall be over or under the street or highway as hereinafter set forth, to wit:

City of Buffalo: At grade the south one-half of Kenmore avenue, and any other alleged streets intersected by the route between Kenmore avenue and Main street.

Town of Tonawanda (Erie county): At grade the north one-half of Kenmore avenue; at grade Englewood avenue; at grade Belmont avenue (or Ochs road); at grade Schell road.

City of Tonawanda: Over the Williamsville road highway by an overhead bridge carrying said railway over the street; over the Ellicott Creek road highway by an overhead bridge carrying said railway over the street; over Tonawanda Creek road highway by an overhead bridge carrying said railway over the street.

City of North Tonawanda: Over Sweeney street by an overhead bridge carrying said railway over the street; over Tremont street by an overhead bridge carrying said railway over the street; over Goundry street by an overhead bridge carrying said railway over the street; over Christiana street by an overhead bridge carrying said railway over the street; over Schenck street by an overhead bridge carrying said railway over the street; over Ransom street by an overhead bridge carrying said railway over the street; over Robinson street by an overhead bridge carrying said railway over the street; over Wheatfield street by an overhead bridge carrying said railway over the street; at grade Payne avenue; at grade Linwood avenue; at grade Fredericka street; at grade East Felton street; at grade Jackson avenue; at grade Stenzel street; at grade Ward road; at grade Witmer road; at grade any other alleged streets north of Wheatfield street to the city line, including Sixteenth street, Seventeenth street, Eighteenth street, and Nineteenth street, which the proposed railway may intersect.

Incorporated Village of LaSalle: At grade the Military Road; at grade Main street; at grade Brickyard road (or Tompkins street); at grade Gombert street; at grade Griffin street; at grade Evershed street (or avenue); at grade any other alleged streets in said village which the proposed railway may intersect.

City of Niagara Falls: At grade Evershed street (or avenue); at grade Roxbury street; at grade Sugar street; at grade Packard road; at grade Twenty-seventh street; at grade Twenty-fourth street; at grade Twenty-second street; at grade Cross street; at grade any other alleged streets in said city lying between the easterly city line and Portage Road which the proposed railway may intersect.

Upon condition, however, that it is understood by this Commission and the said Frontier Electric Railway Company, that the said railway, although to be operated by electrical power, is one to which the provisions of the so called grade crossing law (sections 89-99 Railroad Law) applies.

The matter of crossings by this railway of other railroads is not now determined.

2. This Commission, under section 21 of the Railroad Law, hereby consents that said Frontier Electric Railway Company may construct and maintain bridges for the purposes of its railway over the following creeks: Gill creek, in the city of Niagara Falls, Niagara county, N. Y.; Cayuga creek, in the village of LaSalle, Niagara county, N. Y.; Tonawanda creek, between the county of Niagara and county of Erie; Ellicott creek, in the city of Tonawanda, Erie county, N. Y.; Mill creek, in the city of Tonawanda, Erie county, N. Y.

3. Pursuant to the provisions of section 53, Public Service Commissions Law, the permission and approval of this Commission are hereby given to the exercise by said Frontier Electric Railway Company of the following franchises received by it since it was granted a certificate of public convenience and a necessity under the then section 59 of the Railroad Law, to wit:

City of Buffalo: Franchise granted January 11, 1915, by the board of aldermen, February, 10, 1915, by the board of councilmen (after amendment), February 15, 1915, by the board of aldermen (concurrence in amendment),

776 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5393]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN OF BRANT, CHARLES NORDELOOM, and BEMUS PIERCE *against* IROQUOIS NATURAL GAS COMPANY, SOUTH SHORE NATURAL GAS AND FUEL COMPANY, UNITED NATURAL GAS COMPANY, FINANCE OIL COMPANY, and RESERVATION GAS COMPANY.

Upon the facts found and conclusions stated in the opinion of Commissioner Hodson, which is approved and filed in this case, it is

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of FRONTIER ELECTRIC RAILWAY COMPANY as to its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks; also as to certain franchises.

Appearances: Cohn, Chormann & Franchot, attorneys for Frontier Electric Railway Company; Hoyt & Spratt, attorneys The New York Central Railroad Company.

A petition having been filed with this Commission by Frontier Electric Railway Company for a determination of how its electric railway (single track at first, with possible additional tracks in the future) proposed to be constructed in and between the cities of Buffalo and Niagara Falls shall cross certain streets and highways, and certain creeks, and as to exercise of certain franchises; and a public hearing on said petition after due notice having been held in the city of Albany on September 6, 1916, at which those named hereinabove appeared; and it appearing that this proposed railway is to be laid adjacent to and at the same grade substantially as an extension of the International railway proposed to be constructed in and between said cities, in respect to which an order was made by this Commission on January 13, 1916, providing a method by which said extension shall cross streets and highways; and it appearing that the proposed railway is not a street surface railway;

1. Now, after due consideration, this Commission hereby determines, under section 89 of the Railroad Law, that it would be impracticable for the said railway of the Frontier Electric Railway Company to cross otherwise than at grade the streets and highways hereinafter named in the municipalities

hereinafter named except where a method of crossing otherwise than at grade is hereinafter named, and in such cases this Commission hereby determines that such crossing shall be over or under the street or highway as hereinafter set forth, to wit:

City of Buffalo: At grade the south one-half of Kenmore avenue, and any other alleged streets intersected by the route between Kenmore avenue and Main street.

Town of Tonawanda (Erie county): At grade the north one-half of Kenmore avenue; at grade Englewood avenue; at grade Belmont avenue (or Ochs road); at grade Schell road.

City of Tonawanda: Over the Williamsville road highway by an overhead bridge carrying said railway over the street; over the Ellicott Creek road highway by an overhead bridge carrying said railway over the street; over Tonawanda Creek road highway by an overhead bridge carrying said railway over the street.

City of North Tonawanda: Over Sweeney street by an overhead bridge carrying said railway over the street; over Tremont street by an overhead bridge carrying said railway over the street; over Goundry street by an overhead bridge carrying said railway over the street; over Christiana street by an overhead bridge carrying said railway over the street; over Schenck street by an overhead bridge carrying said railway over the street; over Ransom street by an overhead bridge carrying said railway over the street; over Robinson street by an overhead bridge carrying said railway over the street; over Wheatfield street by an overhead bridge carrying said railway over the street; at grade Payne avenue; at grade Linwood avenue; at grade Fredericka street; at grade East Felton street; at grade Jackson avenue; at grade Stenzel street; at grade Ward road; at grade Witmer road; at grade any other alleged streets north of Wheatfield street to the city line, including Sixteenth street, Seventeenth street, Eighteenth street, and Nineteenth street, which the proposed railway may intersect.

Incorporated Village of LaSalle: At grade the Military Road; at grade Main street; at grade Brickyard road (or Tompkins street); at grade Gombert street; at grade Griffin street; at grade Evershed street (or avenue); at grade any other alleged streets in said village which the proposed railway may intersect.

City of Niagara Falls: At grade Evershed street (or avenue); at grade Roxbury street; at grade Sugar street; at grade Packard road; at grade Twenty-seventh street; at grade Twenty-fourth street; at grade Twenty-second street; at grade Cross street; at grade any other alleged streets in said city lying between the easterly city line and Portage Road which the proposed railway may intersect.

Upon condition, however, that it is understood by this Commission and the said Frontier Electric Railway Company, that the said railway, although to be operated by electrical power, is one to which the provisions of the so called grade crossing law (sections 89-99 Railroad Law) applies.

The matter of crossings by this railway of other railroads is not now determined.

2. This Commission, under section 21 of the Railroad Law, hereby consents that said Frontier Electric Railway Company may construct and maintain bridges for the purposes of its railway over the following creeks: Gill creek, in the city of Niagara Falls, Niagara county, N. Y.; Cayuga creek, in the village of LaSalle, Niagara county, N. Y.; Tonawanda creek, between the county of Niagara and county of Erie; Ellicott creek, in the city of Tonawanda, Erie county, N. Y.; Mill creek, in the city of Tonawanda, Erie county, N. Y.

3. Pursuant to the provisions of section 53, Public Service Commissions Law, the permission and approval of this Commission are hereby given to the exercise by said Frontier Electric Railway Company of the following franchises received by it since it was granted a certificate of public convenience and a necessity under the then section 59 of the Railroad Law, to wit:

City of Buffalo: Franchise granted January 11, 1915, by the board of aldermen, February, 10, 1915, by the board of councilmen (after amendment), February 15, 1915, by the board of aldermen (concurrence in amendment),

and approved by the mayor March 1, 1915, and accepted by said Frontier Electric Railway Company, October 11, 1916; and an amendment of said franchise made by the board of aldermen November 15, 1915, by the board of councilmen November 17, 1915, and approved by the mayor November 29, 1915, copies of which certified by the city clerk are filed with the papers in this case.

City of Tonawanda: Franchise granted by the common council and various amendments and extensions, which franchise and amendments and extensions were approved by the mayor, copies of which certified by the city clerk are filed with the papers in this case; the dates of the franchise, approvals by mayor, amendments, extensions, and acceptances by company being respectively November 22, 1911; December 27, 1911; February 17, 1912; February 20, 1912; November 23, 1911; January 3, 1912; June 3, 1914; June 16, 1914; June 4, 1914; November 4, 1914; January 22, 1915; November 14, 1914; July 21, 1915; July 23, 1915; December 8, 1915; December 28, 1915; December 13, 1915; September 6, 1916; September 12, 1916; September 19, 1916.

City of North Tonawanda: Franchise granted by the common council, amendments and extensions, which franchise and amendments and extensions were approved by the mayor, or otherwise became effective, copies of which certified by the city clerk are filed with the papers in this case; the dates of the franchise; approvals by mayor, statement of effective dates of franchise, amendments and extensions, and acceptances by company being respectively September 12, 1911; September 22, 1911; October 17, 1911; October 27, 1911; February 6, 1912; February 16, 1912; February 17, 1912; June 2, 1914; June 12, 1914; June 16, 1914; December 28, 1914; December 29, 1914; January 22, 1915; November 9, 1915 (this last date, to wit November 9, 1915, being the date of a resolution of the board of public works of the City of North Tonawanda, certified by the secretary of said board); November 16, 1915 (this date appearing by the date of acceptance); November 26, 1915; December 31, 1915; September 5, 1916; September 12, 1916; September 15, 1916.

City of Niagara Falls: Franchise granted by the common council July 18, 1910, which became effective July 25, 1910, and the acceptance of which by the company is dated August 30, 1910, copies of which certified by the city clerk are on file with the papers in this case.

This determination is not intended, nor shall it be construed, to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5677]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the PORT HENRY LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to make a first mortgage for \$1,000,000, to issue \$477,000 in bonds, and to issue \$100,000 common capital stock.

Petition filed August 24, 1916; report of division of capitalization dated September 14, 1916; certificate of increase of capital stock filed September 20,

1916; reports of division of light, heat, and power dated September 26 and October 14, 1916; form of proposed mortgage filed September 28, 1916; final report of division of capitalization dated October 2, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Port Henry Light, Heat and Power Company is hereby authorized to execute and deliver to The New York Trust Company as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of August, 1916, to secure an issue of first mortgage thirty-year gold bonds bearing interest at the rate of 5 per cent per annum, payable semiannually on the first days of February and August in each year, to the aggregate amount of \$1,000,000 face value, an amended copy of which has been filed with the Commission herein, and that the form of such indenture as amended so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the indenture in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the Port Henry Light, Heat and Power Company is hereby authorized to issue \$414,000 face value of its 5 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

4. That the Port Henry Light, Heat and Power Company is hereby authorized to issue \$75,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$75,000.

5. That said bonds of the total face value of \$414,000 shall be sold for not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$351,900.

6. That said bonds and stock of the face and par value of \$489,000 so authorized, or the proceeds thereof to the amount of \$426,900, shall be used solely and exclusively for the following purposes:

(a) For the payment of debt incurred for the following purposes:

1. Construction and equipment of a hydro-electric plant of the petitioner in Port Henry, N. Y., as detailed in exhibit No. 1 of petition.....	\$86,549.00	
2. Purchase from N. Munroe Marshall of certain storage, dams, parcels of land, rights of way and flowage, and riparian rights on Mill brook, and also on McKenzie or Whitney brook, in the town of Moriah, as described in exhibit No. 5 of petition..	100,000.00	\$186,549.00
(b) Estimated cost of additions and betterments to power plant No. 2 in Port Henry, N. Y., as detailed in exhibit No. 2 of petition		17,568.99
(c) Estimated cost of extension of three-phase circuit to Crown Point and West Crown Point, and the installation of a street lighting system as detailed in exhibit No. 3 of petition.....		18,462.96
(d) Estimated cost of construction and equipment of a 44,000-volt, three-phase, 25-cycle transmission line from the power house of Witherbee, Sherman & Co., at Mineville, N. Y., to a point near Crown Point village and across Lake Champlain to Bridport, Vt., as detailed in exhibit No. 4 of petition.....		58,831.29
(e) Estimated cost of diversion of waters of McKenzie brook into reservoir of the petitioner on Mill brook, as detailed in exhibit No. 6 of petition.....		24,391.72
(f) Estimated cost of construction and installation of generating station No. 3, located on Mill brook, as detailed in exhibit No. 7 of petition		115,346.96
(g) For legal and miscellaneous expenses.....		5,749.08
		<hr/> \$426,900.00

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivisions (b) and (f) inclusive hereof only in so far as the same is a real

increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital of substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face and par value of the securities herein authorized, no portion of the proceeds of the securities herein authorized over the actual proceeds thereof so required shall be used for any purposes without the further order of this Commission; (4) that the unit prices contained in exhibits Nos. 1, 2, 3, 4, 6, and 7 of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be expenditures made as defined in the Commission's Uniform System of Accounts for Electrical Corporations.

7. That if the said bonds and stock of a total face and par value of \$489,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$426,900, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the bonds herein authorized shall be hypothecated or pledged as collateral by the Port Henry Light, Heat and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Port Henry Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) and (g) of clause No. 6 of this order there shall be shown in detail the amount expended for each of the purposes specified therein during such period of the proceeds of the securities herein authorized; (g) with respect to subdivisions (b) to (f) inclusive of clause No. 6 of this order there shall be shown (1) in detail the amount expended for each of the purposes specified therein during such period of the proceeds of the securities herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary showing the expenditures during such period by the prescribed accounts. In reporting under sections (2) and (3) of subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That this proceeding is hereby continued upon the records of the Commission until the accounts of the company have been adjusted in accordance with the findings of the Commission as a result of its examination of the books, accounts, and affairs thereof.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5686]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of RIDGE ROAD GAS AND OIL COMPANY and CHARLES B. FULLER under section 70 of the Public Service Commissions Law for permission to transfer by sale the natural gas plant of the company to Charles B. Fuller; also supplemental petition of the company.

This case comes to the Commission upon the joint application of the Ridge Road Gas and Oil Company and Charles B. Fuller, under section 70 of the Public Service Commissions Law, asking that said company be permitted to sell its natural gas plant to said Fuller. A hearing was duly held herein by the Commission in the city of Buffalo on the 6th day of October, 1916, at which hearing Mr. Everette H. Hunt, Prudential Building, Buffalo, appeared as the attorney for the petitioners; and the said Charles B. Fuller appeared personally, and Messrs. George M. Reimer and Benjamin Meyers, the president and secretary of the Ridge Road Gas and Oil Company also appeared; and Mr. Henry Sutter and Mr. John F. Sutter, both of Eden, N. Y., stockholders of said company having also duly appeared; and from the proofs and proceedings taken and had on said hearing it satisfactorily appearing to the Commission that the said petitioner, Ridge Road Gas and Oil Company, is desirous of winding up its business, and all of the stockholders of said company having consented thereto at a meeting thereof duly held, except the said Henry Sutter and John F. Sutter, and they having appeared at said hearings and making no objection to the petition herein; and it also satisfactorily appearing that there is no indebtedness of any kind against the said company, and that all of the stockholders thereof approve of said sale, and that the said Charles B. Fuller is financially able to purchase the gas plant of the petitioner which consists of six producing wells in the town of Hamburg which are being rapidly exhausted; that said Charles B. Fuller is ready to pay the sum of three thousand five hundred dollars (\$3500) to the said company for said gas plant, which appears to be a fair price therefor, and

that the said purchaser intends to locate and drill other gas wells in said neighborhood in case he finds it advantageous so to do, and in that case to organize a natural gas company for the continuance of said business; and in the event that said business is not continued, that he will dismantle said wells and discontinue the production and distribution of gas; and it satisfactorily appearing to this Commission that such result will inevitably follow unless other wells are added to the present gas plant, and that a sale of said plant for the sum of three thousand five hundred dollars (\$3500) by the present operating company, with the possibility of immediate additions to said plant in order to continue the service of gas, will be advantageous to all parties concerned; and it further appearing from such proofs and proceedings that all of the operations of the said gas plant are on private property and do not make use of any highways or public places; it is therefore

Ordered: That permission and approval of the Commission are hereby given to the said petitioner, Ridge Road Gas and Oil Company, to sell, and to the said petitioner, Charles B. Fuller, to purchase, for the sum of three thousand five hundred dollars (\$3500) in cash, all of the gas wells, being six in number, together with all the piping, fittings, machinery, tools, accessories, rights of way, leases, franchises, and all other personal property owned by the said company and now constituting its natural gas plant in the town of Hamburg, Erie county.

[Case No. 5687]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF ESPERANCE, Schoharie county, under section 91 of the Railroad Law for an order determining that two highway grade crossings of the Albany and Susquehanna Railroad (leased to and operated by The Delaware and Hudson Company) in said town shall be closed and discontinued, and a new piece of highway and an under-crossing of said railroad be constructed.

Upon the recommendation of The Delaware and Hudson Company as indicated by the signature of its chief engineer upon a general and detail plans showing the abutments and superstructure covering the construction of an undergrade crossing, pursuant to a determination of the Commission in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signature on said plans of the town clerk of the Town of Esperance, it is

Ordered: That said general and detail plans be and are hereby approved by this Commission.

[Case No. 5713]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY to join with The Canadian Pacific Railway Company, The Michigan Central Railroad Company, and The Canada Southern Railway Company in jointly and severally guaranteeing \$2,000,000 of 4½ per cent consolidated mortgage gold bonds, series A, of The Toronto, Hamilton and Buffalo Railway Company.

Petition filed September 19, 1916; hearing held October 13, 1916. The petition herein by The New York Central Railroad Company is for authority to join with The Canadian Pacific Railway Company, The Michigan Central Railroad Company, and The Canada Southern Railway Company in jointly and severally guaranteeing the principal and interest of \$2,000,000 of 4½ per cent series A, fifty-year consolidated mortgage gold bonds of The Toronto, Hamilton and Buffalo Railway Company. It appears that the outstanding capital stock of The Toronto, Hamilton and Buffalo Railway Company is owned as follows: 16,766 shares by The New York Central Railroad Company; 12,246 shares by The Canadian Pacific Railway Company; 9842 shares by The Michigan Central Railroad Company; and 6271 shares by The Canada Southern Railway Company. The \$2,000,000 face value of bonds, to guarantee payment of which leave is prayed, have been issued and sold jointly to the four corporations which own the entire outstanding capital stock of The Toronto, Hamilton and Buffalo Railway Company, for \$1,800,000 in cash: The New York Central Railroad Company contributing \$450,000 of this purchase price, The Canadian Pacific Railway Company \$900,000, The Michigan Central Railroad Company \$225,000, and The Canada Southern Railway Company \$225,000. The proceeds of such sale will be used by The Toronto, Hamilton and Buffalo Railway Company to pay its unfunded debt, representing expenditures incurred on capital account, and for its corporate capital purposes. It further appears that in order to make said bonds more readily marketable at what is considered a fair price, the petitioner and the other immediate purchasers mentioned desire to guarantee jointly and severally the principal and interest on said bonds as they become due. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York Central Railroad Company is hereby authorized to join with The Canadian Pacific Railway Company, The Michigan Central Railroad Company, and The Canada Southern Railway Company in jointly and severally guaranteeing the payment of the principal and interest of \$2,000,000 series A, fifty-year consolidated mortgage gold bonds, bearing interest at the rate of 4½ per cent per annum, of The Toronto, Hamilton and Buffalo Railway Company, secured by a mortgage dated August 1, 1916; provided, however, that if as a result of a re-sale of any or all of its \$500,000 of said bonds The New York Central Railroad Company shall realize a net sum in excess of the amount paid by it for said bonds (to wit the sum of \$450,000), it shall hold such excess sum or profit unexpended in its treasury until it has reported the purposes for which it proposes to use the same to this Commission and has received the Commission's approval thereof.

2. That The New York Central Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing what if any of such guaranteed bonds of The Toronto, Hamilton and Buffalo Railway Company which it owned, it has sold, the dates of such sales, and the prices received. Such reports shall continue to be filed until it has reported the sale of all of such guaranteed bonds held by it.

3. That The New York Central Railroad Company shall within thirty days from the service of this order advise this Commission whether or not it accepts this order with all its terms and conditions.

[Case No. 5714]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for authority to acquire the entire capital stock of the Dolgeville and Salisbury Railway Company, and to merge the said company into itself.

Petition filed September 22, 1916; hearing held October 13, 1916.

Ordered: 1. That The New York Central Railroad Company is hereby authorized to acquire and hold 1500 shares, each of the par value of \$100, aggregating a total par value of \$150,000, of the capital stock of the Dolgeville and Salisbury Railway Company.

2. That The New York Central Railroad Company and the Dolgeville and Salisbury Railway Company are hereby permitted to merge, and such merger is approved; and consent is hereby given to the exercise by the former of all the rights, privileges, and franchises of the Dolgeville and Salisbury Railway Company; and within thirty days after such merger shall have become effective, The New York Central Railroad Company shall file with the Commission a verified report setting forth the exact date of such merger.

3. That The New York Central Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing what stock of the Dolgeville and Salisbury Railway Company has been acquired under the authority of this order and the date of such acquisition. Such reports shall continue to be filed until The New York Central Railroad Company shall have acquired all of the stock of the Dolgeville and Salisbury Railway Company which it is herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 3791]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION
OF HIGHWAYS under section 91 of the Railroad Law
for the elimination of a grade crossing of the St. Law-
rence division of the New York Central Railroad by a
highway known as state highway No. 5344, in the
village of Carthage, Jefferson county.

Ordered: 1. That an accounting entered into by The New York Central
Railroad Company with the State Commission of Highways showing expendi-
tures to the amount of \$78,221.66, including interest to March 15, 1916,
properly and necessarily incurred in carrying out the Commission's order of
February 4, 1914, in the above entitled matter, be and it is hereby approved;
of which said amount the sum of \$75,729.74 has been expended by the rail-
road corporation, and the sum of \$2491.92 has been expended by the State of
New York; said accounting having been accepted by the railroad corporation
as indicated by the signature of its attorney, and accepted by the State Com-
mission of Highways as indicated by the signature of the State Commissioner
of Highways.

2. That of the total amount of \$78,221.66 thus expended and herein
accounted for, the share of and the amount chargeable to The New York
Central Railroad Company is the sum of \$39,110.83, and the share of the
State of New York is the sum of \$39,110.83, upon which it is entitled to a
credit of \$2491.92 expended by it as aforesaid. leaving as a balance now due
and payable by said State of New York to said The New York Central
Railroad Company from funds appropriated for the improvement of highways
the sum of \$36,618.91.

[Case No. 4106]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION
OF HIGHWAYS under section 91 of the Railroad Law
for an alteration in the manner in which a highway
known as state highway No. 5346, in the town of
Remsen, Oneida county, crosses the tracks of the
Adirondack division of the New York Central and
Hudson River Railroad about 1.3 miles south of
Honnedaga.

Ordered: 1. That an accounting entered into by The New York Central
Railroad Company with the State Commission of Highways showing expendi-

tures to the amount of \$36,249.32, including interest to September 1, 1916, properly and necessarily incurred in carrying out the Commission's order of March 31, 1914, in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$34,981.51 has been expended by the railroad corporation, and the sum of \$1267.81 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$36,249.32 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$18,124.66, and the share of the State of New York is the sum of \$18,124.66, upon which however it is entitled to a credit of \$1267.81 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$16,856.85.

[Case No. 4107]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in the manner in which a highway known as state highway No. 5345, in the town of Trenton, Oneida county, crosses the tracks of the Adirondack division of the New York Central and Hudson River Railroad in said town.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways showing expenditures to the amount of \$24,772.41, including interest to September 1, 1916, properly and necessarily incurred in carrying out the Commission's order of March 31, 1914, in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$22,775.83 has been expended by the railroad corporation and the sum of \$1996.58 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$24,772.41 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$12,386.21, and the share of the State of New York is \$12,386.20, upon which however it is entitled to a credit of \$1996.58, expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$10,389.62.

[Case No. 5053]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of ROCHESTER CONNECTING RAILROAD CORPORATION under section 9 of the Railroad Law and section 53 of the Public Service Commissions Law for a certificate of public convenience and a necessity, and permission to construct, and approval of corporate franchises and rights; and under section 89 of the Railroad Law as to crossing highways.

The Rochester Connecting Railroad Corporation having applied to this Commission, under section 9 of the Railroad Law and section 53 of the Public Service Commissions Law, for a certificate of public convenience and a necessity, and for permission to construct its line and to exercise its franchises and rights, and (under section 89 of the Railroad Law) for a determination as to the manner in which its tracks shall cross public highways along its route; and the matter having come on for hearings before this Commission, and testimony having been presented and arguments made in support of and in opposition to the granting of the said petition; and it appearing that on July 9, 1914, permission was given by the Superintendent of Public Works of New York state to Messrs. Frank A. Dudley of Niagara Falls, and Clifford D. Beebe of Syracuse, to construct, maintain, and operate, between certain designated points in the county of Monroe, a single- or double-track railroad along the so called "spoil bank" of the Barge Canal, which said permission was by the terms of the written instrument granting it declared to be revocable by the Superintendent of Public Works at any time, the sixth paragraph of the said written instrument providing as follows:

The work authorized by this permit shall be commenced promptly and progressed to completion within three months from the date of this permit; and in the event that such work is not so commenced and completed within such time, this permit shall be deemed to be revoked, and said work shall not be commenced without a renewal of this permit in writing from the Superintendent of Public Works.

and it appearing further that on December 9, 1914, an extension of the said permission until July 1, 1915, was granted; and that on July 1, 1915, a further extension to January 1, 1916, was granted; and that on December 18, 1915, a further extension to July 9, 1916, was granted; and that on June 26, 1916, a check for \$375, covering a six months' advance payment under the permit, was received by the Superintendent of Public Works, with an application for a further extension of time until January 9, 1917; and that protests having in the meantime been received by the said Superintendent of Public Works to the granting of such further extension, a date was set for a hearing before the said Superintendent of Public Works, but that none of the parties in interest then appeared, and that no subsequent hearing upon the application has been held or arranged for. And it appearing further that the possession of the right or privilege under the aforesaid permit to use the spoil bank of the Barge Canal for the construction, maintenance, and operation of the proposed railroad is an essential element in the plan for which we are asked to grant a certificate of public convenience and a necessity, but that, by reason of the circumstances above set forth, this right and privilege has now entirely ceased to exist, and must by the express terms of the permit itself be regarded as having been revoked, and as no longer possessing any force or value whatsoever; and the Commission being of the opinion that this lapsing of petitioner's rights under the aforesaid permit renders it unnecessary that the other questions involved in the present application shall be

considered in detail by the Commission in arriving at its decision, and supplies in itself ample reason why the Commission should deny the application in its present form; now, therefore, it is hereby

Ordered: That the petition of the Rochester Connecting Railroad Corporation for a certificate of public convenience and a necessity, and for permission to construct its proposed line of road, and for an order approving of the petitioner's corporate rights and franchises, and for a determination of the method of crossing highways along petitioner's route, be and the same hereby is denied; and that the case be closed on the records of the Commission.

[Case No. 5386]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of OTSEGO AND HERKIMER RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue \$250,000 5 per cent 50-year first mortgage bonds, and \$100,000 common capital stock.

First
supplemental
order.

By order herein dated March 28, 1916, the Otsego and Herkimer Railroad Company (the then name of the Southern New York Power and Railway Corporation) was authorized to issue and sell for not less than 80 per cent of their face value and accrued interest, \$250,000 face value of 5 per cent fifty-year first mortgage bonds under an indenture dated April 1, 1912, given to The Equitable Trust Company of New York to secure an authorized issue of a total face value of \$2,500,000, and to apply the proceeds realized from such sale toward the discharge and lawful refunding of indebtedness outstanding at November 30, 1915, totaling \$247,065.22. By order of even date herewith in case No. 5645, the Southern New York Power and Railway Corporation has been authorized to issue an equivalent amount of mortgage bonds and to use the proceeds thereof for the purposes for which the proceeds of the aforesaid bonds were to be used. Therefore the aforesaid order herein dated March 28, 1916, should be vacated. Now therefore, upon the foregoing record,

Ordered: That the order entered in this proceeding on the 28th day of March, 1916, authorizing the issuance and sale of \$250,000 bonds of the Otsego and Herkimer Railroad Company at not less than 80 per cent of face value and accrued interest and the use of such proceeds for certain defined purposes is hereby vacated.

[Case No. 5645]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Petition of SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under subdivision 10, section 8 of the Railroad Law for authority to make a mortgage; and under section 55, Public Service Commissions Law, for authority to issue bonds to be secured thereby.

Petition filed July 25, 1916; supplemental petition filed October 14, 1916; hearing held October 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Southern New York Power and Railway Corporation is hereby authorized to execute an indenture, deed of trust, or mortgage upon all its plant and property to secure an issue of \$10,000,000 5 per cent fifty-year first and collateral mortgage bonds, or in the alternative to execute a supplement to the first mortgage dated April 1, 1912, of the Otsego and Herkimer Railroad Company (the former name of the petitioner), securing an issue of \$2,500,000 face value of first mortgage fifty-year 5 per cent gold bonds, which will provide for issuance thereunder of bonds for the purposes herein authorized; provided that none of such bonds shall be issued until the form of the new indenture or the form of the supplement to the first mortgage dated April 1, 1912, shall have been submitted to and approved by this Commission; and further provided that the company shall have no right or authority to issue any bonds in addition to those now outstanding except as herein or hereafter authorized by this Commission.

2. That the Southern New York Power and Railway Corporation is hereby authorized to acquire and hold 2474 shares, each of the par value of \$100, aggregating a par value of \$247,400, of the common capital stock of the Colliers Light, Heat and Power Company, provided that the cost to it of such stock shall be the par value thereof.

3. That the Southern New York Power and Railway Corporation is hereby authorized to issue \$1,633,000 face value of its 5 per cent fifty-year first and collateral mortgage bonds under the aforesaid first and collateral mortgage; provided however that if the present outstanding mortgage is not superseded, the authority contained herein to issue bonds with which to take up the \$1,200,000 face value of first mortgage 5 per cent fifty-year gold bonds secured by such outstanding indenture dated April 1, 1912, is of no force or effect.

4. That the Southern New York Power and Railway Corporation is hereby authorized to issue \$199,400 par value of its common capital stock which shall be sold for not less than its par value to give net proceeds of at least \$199,400.

5. That of the bonds of a total face value of \$1,633,000 herein authorized, \$48,000 face value thereof shall be sold for not less than their face value and accrued interest to give net proceeds of at least \$48,000.

6. That such stock and bonds of the total par and face value of \$247,400 so authorized, or the proceeds thereof to the amount of \$247,400, shall be used solely and exclusively for the acquisition of an equivalent par value of common capital stock of the Colliers Light, Heat and Power Company issued and authorized to be issued.

7. That of the bonds of a total face value of \$1,633,000 herein authorized, \$1,335,000 face value thereof shall be sold for not less than their face value

and accrued interest to give net proceeds of at least \$1,335,000; and \$250,000 face value thereof shall be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$200,000.

8. That such bonds of the total face value of \$1,585,000 so authorized, or the proceeds thereof to the amount of \$1,535,000, shall be used solely and exclusively for the following purposes:

(a) To retire the 5% fifty-year first mortgage bonds of the Otsego and Herkimer Railroad Company (the former name of the petitioner herein) outstanding at June 30, 1916.....	\$1,200,000.00
(b) For the discharge of bills payable incurred in the acquisition on June 28, 1916, of \$135,000 face value of 5% fifty-year first mortgage bonds of the Colliers Light, Heat and Power Company..	135,000.00
(c) For the discharge and lawful refunding of indebtedness outstanding at November 30, 1915, or the renewals thereof, as follows:	
1. Bills payable due The Equitable Trust Company of New York.....	\$84,043.25
2. Accounts payable and other unfunded debt..	163,021.97
	<hr/>
	\$247,065.22
Less	47,065.22

for which proceeds of common capital stock were authorized to be used by order dated April 27, 1916, in case No. 5386.....	200,000.00
	<hr/>
	\$1,535,000.00

The authorization contained in subdivision (c) is in lieu of bonds heretofore authorized to be issued by order dated March 28, 1916, in case No. 5386, which order has been canceled by order therein of even date herewith.

9. That if the said securities of a total par and face value of \$1,832,400 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,782,400, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

10. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Southern New York Power and Railway Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

11. That the Southern New York Power and Railway Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) full particulars of the use made of the proceeds of the securities authorized by clause No. 6 of this order; (f) in detail the amount expended for each of the purposes set forth in clause No. 8 of this order during such period of the proceeds of the securities herein authorized. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

12. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5648]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Joint Petition of the **COLLIERS LIGHT, HEAT AND POWER COMPANY** and **SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION** under sections 69 and 70 of the Public Service Commissions Law.

Petition filed July 28, 1916; hearing held October 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Colliers Light, Heat and Power Company is hereby authorized to acquire and hold 100 shares, each of the par value of \$100, aggregating a par value of \$10,000, of the common capital stock of the Hartwick Power Company, now owned by the Southern New York Power and Railway Corporation, provided however that the cost to it of such stock shall be the par value thereof.

2. That the Colliers Light, Heat and Power Company is hereby authorized to issue \$145,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$145,000 so authorized, or the proceeds thereof to the amount of \$145,000, shall be used solely and exclusively for the following purposes:

(a) For the purchase from the Southern New York Power and Railway Corporation of the entire outstanding common capital stock of the Hartwick Power Company, viz. \$10,000, now owned by the railway corporation	\$10,000.00
(b) For the discharge and lawful refunding of the outstanding 5% 50-year first mortgage bonds of the petitioner.....	135,000.00
	<hr/>
	\$145,000.00

4. That the Colliers Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold during such period in accordance with the authority contained herein and the dates of such sales; (b) to whom such sales were made; (c) what proceeds were realized from such sales; (d) any other terms and conditions of such sales; (e) full particulars of the use made of the proceeds of such stock herein authorized for such purposes, including verified proof of the satisfaction of the mortgage securing the first mortgage bonds to be reacquired and canceled. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the Southern New York Power and Railway Corporation is hereby authorized to acquire and hold the 1450 shares, each of the par value of \$100, aggregating a par value of \$145,000, of the common capital stock of the Colliers Light, Heat and Power Company herein authorized to be issued, provided however that the cost to it of such stock shall be the par value thereof.

6. That this proceeding is hereby continued upon the records pending consideration by the Commission of proof of the disbursements of proceeds

of current liabilities of the Colliers Light, Heat and Power Company amounting to \$17,282.94, for the purpose of paying which the petitioner has asked authority to issue and sell \$17,000 of its common capital stock at par.

7. That the Colliers Light, Heat and Power Company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the capital stock herein authorized to be issued and sold is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5671]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the DEPOSIT ELECTRIC COMPANY under section 70 of the Public Service Commissions Law to acquire the capital stock of the Southern New York Power Company, and under section 69 of the Public Service Commissions Law to issue additional capital stock.

Petition filed August 18, 1916; certified copy of articles of incorporation filed September 1, 1916; hearing held October 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Deposit Electric Company is hereby authorized to acquire and hold 584 shares, each of the par value of \$100, aggregating a par value of \$58,400, of the common capital stock of the Southern New York Power Company, provided however that the cost to it of such stock shall not be more than the par value thereof.

2. That the Deposit Electric Company is hereby authorized to issue \$58,400 par value of its common capital stock which shall be used for the purpose of even exchange on the basis of par for par for the common capital stock of the Southern New York Power Company.

3. That the Deposit Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been exchanged during such period in accordance with the authority contained herein and the dates of such exchanges; (b) with whom such stock was exchanged; (c) the basis of such exchange, giving all material terms and conditions thereof. Such reports shall continue to be filed until all of said stock herein authorized shall have been exchanged in accordance with the authority contained herein, and if during any period no stock was exchanged the report shall set forth such fact.

4. That the Deposit Electric Company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the capital stock herein authorized to be issued and sold is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5676]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under section 70 of the Public Service Commissions Law for authority to acquire \$135,000 first mortgage 5 per cent bonds of Colliers Light, Heat and Power Company.

Petition filed August 25, 1916; hearing held October 16, 1916 (minutes filed in case No. 5645). Now therefore, upon the foregoing record,

Ordered: That the acquisition by the Southern New York Power and Railway Corporation on June 28, 1916, of \$135,000 face value of 5 per cent 50-year first mortgage bonds of the Colliers Light, Heat and Power Company at their face value is hereby approved *nunc pro tunc*.

[Case No. 5704]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NORTHERN NEW YORK UTILITIES, INC., under section 68 of the Public Service Commissions Law for approval of the exercise of franchises for electric lines in the town of Edwards, St. Lawrence county.

On February 14, 1916, the Northern New York Utilities, Inc., filed a petition with this Commission asking its permission and approval to the exercise of a franchise granted by the town board and town superintendent of highways of the Town of Edwards, St. Lawrence county, New York, on July 5, 1912, to the Carthage Tissue Paper Mills of Carthage, N. Y., which franchise was finally acquired by the petitioner by assignment dated January 1, 1915. This franchise enables the grantee to carry a pole line for transmitting electric energy over certain highways in the town. The petitioner also asks for permission to exercise a franchise granted to the Watertown Light and Power Company under date of June 9, 1913, which franchise is now owned by the petitioner. This franchise likewise permits the grantee to carry its transmission lines across certain highways in the town of Edwards. On September 28, 1916, a supplemental petition was filed relating to the same matter. Notice of the application for permission to exercise these franchises was duly published, and affidavits of publication were filed with the Commission on September 20, 1916. A hearing was held at the office of the Commission in

the city of Albany on October 16, 1916, at which time Mr. F. A. Rogers, vice-president of the petitioner, appeared on its behalf, and no one appeared in opposition to the granting of the application. The petitioner has never exercised the franchise granted on July 5, 1912, to the Carthage Tissue Paper Mills, and there is no present intention of exercising said franchise; and the petitioner now requests that its application for permission to exercise that franchise remain in abeyance until such time as it is determined whether or not it will be necessary for it to operate under that franchise. The petitioner has been operating under the franchise granted to the Watertown Light and Power Company on June 9, 1913, but no previous application has been made to the Commission for its permission and approval to exercise it for the reason, as stated by its vice-president, that the company has heretofore proceeded on the assumption that it was not necessary to secure such permission. Having been advised that such permission is necessary, it now asks that the same be granted *nunc pro tunc*, in order that it may comply with the requirements of the Public Service Commissions Law. The Commission, after due deliberation, having determined that public convenience and necessity require the exercise by the Northern New York Utilities, Inc., of the franchise granted to the Watertown Light and Power Company under date of June 9, 1913, by the Town of Edwards, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given *nunc pro tunc* to the Northern New York Utilities, Inc., to construct, maintain, and operate an electric plant, together with transmission and distribution lines, in the town of Edwards, St. Lawrence county, New York, and to exercise all the rights and privileges set forth in the franchise granted by the authorities of said town to the Watertown Light and Power Company on June 9, 1913, subject to all the terms and conditions set forth therein.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5717]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the COLLIERS LIGHT, HEAT AND POWER COMPANY for consent to acquire the capital stock of the Deposit Electric Company.

Petition filed September 28, 1916; hearing held October 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Colliers Light, Heat and Power Company is hereby authorized to acquire and hold 2474 shares, each of the par value of \$100, aggregating a par value of \$247,400, of the common capital stock of the Deposit Electric Company issued and authorized to be issued, provided however that the cost to it of such stock shall be the par value thereof.

2. That the Colliers Light, Heat and Power Company is hereby authorized to issue \$247,400 par value of its common capital stock which shall be used

either for the purpose of even exchange on the basis of par for par for the common capital stock of the Deposit Electric Company, or for sale at not less than its par value, the proceeds of which sales shall be used solely and exclusively for the purchase at par of \$247,400 par value of common capital stock of the Deposit Electric Company; provided however that if the Deposit Electric Company does not issue \$48,000 par value of its common capital stock authorized by order dated September 20, 1916, in case No. 5516, to reacquire and cancel the \$48,000 of its 5 per cent thirty-year first mortgage bonds outstanding at December 31, 1915, an equivalent amount par value of stock of the petitioner herein authorized to be issued shall be used to acquire such bonds; further provided, that to the extent the Deposit Electric Company does not use the \$48,000 of its stock for the purpose of acquiring its bonds, such par value of stock shall not be issued and sold without the further order of this Commission.

3. That the Colliers Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or exchanged during such period in accordance with the authority contained herein and the dates of such sales or exchanges; (b) to whom or with whom such sales or exchanges were made; (c) what proceeds were realized from such sales; (d) full particulars of the use made of all such stock proceeds; (e) any other terms and conditions of such sales or exchanges. Such reports shall continue to be filed until all of said stock shall have been sold or exchanged and the proceeds of such sales disposed of in accordance with the authority contained herein, and if during any period no stock was sold or exchanged or proceeds expended the report shall set forth such fact.

4. That the Colliers Light, Heat and Power Company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the capital stock herein authorized to be issued and sold is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5740]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of inquiry instituted by the Commission to determine the status of the North Buffalo Railroad Company.

It appearing to the Commission upon information had that the North Buffalo Railroad Company, duly incorporated under the laws of this State, is a railroad corporation owning a railroad which it operates for public use in the conveyance of property for compensation, and as such is apparently a common carrier as is defined in the Public Service Commissions Law, and subject to all the provisions thereof applying thereto; and it further appearing from the records of the Commission that the said North Buffalo Railroad Company has not applied to or received from it a certificate of public

convenience and a necessity as is required by section 9 of the Railroad Law, nor has said railroad company complied with the requirements of the Public Service Commissions Law as to the publication of its tariff schedules and the filing with the Commission of copies thereof, as well as copies of its annual reports, etc., therefore it is

Ordered: 1. That the Commission, upon its own motion, enter upon a proceeding of inquiry and investigation to determine whether the said North Buffalo Railroad Company is a "railroad corporation" and a "common carrier" within the meaning of said terms as defined in the Public Service Commissions Law.

2. That a copy of this order be served upon the North Buffalo Railroad Company, with leave to it to file answer within twenty days from the date hereof; and that said railroad company also be notified of the date, time, and place of hearing hereafter to be fixed herein.

[Case No. 3974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5389 shall cross the tracks of the New Jersey and New York Railroad Company (Erie Railroad Company, lessee) at a point a short distance south of the railroad company's West Haverstraw station, in the town of Haverstraw, Rockland county.

The work covered by the Commission's determination of October 20, 1914, and modified determination of January 5, 1915, in the above entitled matter, having been entirely completed in accordance with the requirements of said determinations and approved detail plans and specifications, to the satisfaction of the Erie Railroad Company, the State Commission of Highways, and to this Commission, it is accordingly

Ordered: That the completed work be and it is hereby approved.

[Case No. 4895]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWNS OF NEWFANE, SOMERSET, HARTLAND, Niagara County, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that a regular station be established at West Somerset, in the town of Somerset.

This case was brought to the Commission by the petition of residents of the towns of Newfane, Somerset, and Hartland, Niagara county, which petition was filed with the Commission April 13, 1915, asking that The New York Central Railroad Company be required to establish a proper and adequate freight and passenger station at West Somerset, with telegraph facilities, and with an agent in charge to care for the business of such station. The respondent filed its answer with the Commission May 11, 1915, in which it is alleged that the freight shipments at West Somerset were properly cared for by the billing of the same through the agent at Barker, a station about two and one-half miles east of West Somerset; and that the station at Appleton is also maintained by the respondent at a point two and three-tenths miles west of West Somerset; that the principal commodities shipped from West Somerset are fruit and vegetables between August 15th and December 1st, and that at other times of the year the freight business is very slight; that sufficient passenger and freight accommodations are furnished for that section at Barker and Appleton, and that passengers who use trains to and from West Somerset on flag are inconsiderable in number; and it is alleged generally in the answer that the freight and passenger business at Somerset would not be sufficient to justify the expense of installing and maintaining a station at that place. The Commission held hearings in this case in the city of Buffalo on the 18th day of June, 1915; in the hamlet of West Somerset on the 9th day of July, 1915; in the city of Lockport on the 26th day of May, 1916, and the 24th day of June, 1916; at which hearings Frank M. Bradley of Barker, W. C. Briggs of Newfane, and many others of said complainants appeared in person, and by David Tice of Lockport, their attorney; Hoyt and Spratt of Buffalo appeared as attorneys for the respondent; and J. W. Evans, division superintendent, and F. J. Towes, the assistant train master, for the respondent, also appeared; considerable proof was taken in this case, and an inspection of the physical conditions at West Somerset was made by the Commissioner in charge, after which the respondent installed certain facilities for the better handling of freight at West Somerset than had existed before, and this improved service seems to meet with the satisfaction of the complainants as indicated by a letter written to the Commission on the 11th day of October, 1916, by David Tice, attorney for the complainants, and which letter is filed with the papers in this case. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the privilege however to any of the complainants to reopen the same at any time in the future upon good cause shown.

[Case No. 5191]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of BURT C. HURTGAAR
to operate a motor vehicle line partly upon and along
the streets of the city of Lockport.

The petitioner in this case filed his petition with the Commission on the 20th day of September, 1915, asking for a certificate of convenience and necessity for the operation of an auto bus line upon and along certain streets in the city of Lockport as a part of his motor vehicle route between Lockport and Olcott Beach. Several hearings were thereafter had in this case in the cities of Buffalo and Lockport, and considerable proof was taken; on said hearings Hon. S. Wallace Dempsey of Lockport appeared for the petitioner; Mr. E. G. Connette of Buffalo, president of the International Railway Company, and Messrs. Cohn, Chormann and Franchot of Niagara Falls, attorneys for the International Railway Company, appeared in opposition to said petition; Mr. William A. Dickinson of Lockport appeared for the Lockport Board of Commerce in favor of said petition; and several other appearances were made by citizens of Lockport in favor of said petition. At the last hearing held in the city of Lockport the attorney for the petitioner requested an indefinite adjournment because of other important engagements on his part, since which time informal information has come to the Commission that the petitioner has discontinued the operation of his said auto bus from Lockport to Olcott Beach. And there has been filed with the papers in this case a letter dated October 11, 1916, from the attorney for the petitioner, consenting that this case be closed. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5554]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of BENTON COÖPERATIVE
COMPANY of Benton, Yates county, *against* THE
PENNSYLVANIA RAILROAD COMPANY, as lessee of the
Elmira and Lake Ontario Railroad Company, asking
for better passenger train service.

On May 9, 1916, W. G. Kipp, residing in the town of Benton, Yates county, New York, filed a complaint with the Commission, alleging that the passenger train service on the Elmira and Lake Ontario railroad, which is a branch of the Pennsylvania railroad, was insufficient and inadequate at Benton

station. Prior to the filing of this complaint some negotiations were had between the complainant and the railroad company with a view to obtaining better train service at Benton station. The railroad company declined to furnish the additional service requested, claiming that it was not warranted by the traffic at Benton station. An answer was filed by the corporation on July 27th, in which it denied the allegations of the complaint as to the inadequacy of passenger train service at Benton station. A hearing was held in the village of Penn Yan, N. Y., on August 29, 1916, at which time numerous witnesses were introduced in support of the complaint, but no evidence was introduced by the counsel for the railroad company, it being understood that the railroad company might introduce such data and documentary evidence as counsel wished to submit for the purpose of substantiating its claim that additional service was not required, and that this should be done on or before October 1st. Benton Center is approximately a mile west of Benton station, and practically all of the passengers who use Benton station live some distance therefrom. Benton Center is on the state road going to Penn Yan, and auto busses operate over this improved highway. North of Benton station is Bellona, at which certain passenger trains of the respondent now stop; some of these trains do not stop at Benton station, which is a flag stop; and on signal, three southbound and two northbound passenger trains stop there on weekdays. It appears from the evidence that during good weather in the Spring, Summer, and Fall, many of the people who live in the territory which is tributary to Benton station along the improved state highway travel to Penn Yan in automobiles and auto busses. There is not a large volume of passenger traffic from Benton station at any time. The two trains which it is sought to have stopped at Benton station are heavy steel express trains. The memorandum filed with the Commission by the counsel for the respondent shows that the total receipts at Benton station from passengers for all trains for thirty days ending September 20, 1916, amounted to \$2.70 a day. During the same period the receipts at the Bellona station from the trains which the complainant seeks to have stopped at Benton amounted to \$39.72; this included the revenue from passengers who boarded the train at Bellona and who would have gone to Benton station if the trains stopped there. Upon this showing it is difficult to see wherein the Commission would be justified in requiring additional passenger train service at Benton station. While it may be somewhat more inconvenient for the community tributary to Benton station to make use of trains Nos. 8405, 8409, and 8420 at Bellona rather than at Benton station, nevertheless the records clearly show that there is not enough additional traffic to justify the stopping of these trains at two stations which are less than two miles apart. In addition to this, these particular trains, even at the present time, make very close connections at terminals and additional stops would necessarily jeopardize these connections. Under the circumstances, therefore, it is apparent that the complaint must be dismissed. Perhaps, now that this complaint has been disposed of, a further investigation may be made by the railroad company which may show that some readjustment of the train service as between these two stations is warranted. If a larger proportion of the patronage at Bellona station comes from the people who could more conveniently use the Benton station, then it would seem as though some rearrangement should be made. This, however, is a matter which can and must be worked out by the railroad company. It is expected that the company will do this in the interests of the public service. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 5580]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman.
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SHIPPERS BETWEEN
SAYRE, PENNA., AND GENEVA, N. Y., *against* LEHIGH
VALLEY RAILROAD COMPANY, asking for daily freight
train each way.

This case was brought to the Commission upon the complaint of many residents of places which have stations along the Lehigh Valley railroad between Geneva, New York, and the state line near Sayre, Pennsylvania; the complaint relates to the alleged inadequacy of the local freight service which was maintained by the respondent along the line of said railroad, and asks that adequate local freight service be installed. The answer of the respondent, filed with the Commission July 1, 1916, alleges that the local freight service furnished by the respondent was in all respects adequate, and that less than carload shipments of freight between the points mentioned did not justify any increase in such facilities. A hearing was held in this case at the courthouse in the village of Watkins on the 23rd day of September, 1916, at which hearing the following appearances were made on behalf of the complainants: Messrs. George B. Paterson, Francis J. McCauley, S. C. Paterson, and George C. Burns of Burdett; Messrs. C. H. Hager, A. N. Fletcher, and H. S. Lamoreaux of Valois; Messrs. Elmer Sherwood, J. T. Prince, jr., J. D. Pettingell, O. G. Carmon, L. Catlin of Odessa; Messrs. F. C. Campbell and O. B. Pendorf of Alpine; Mr. William Wickham of Hector; Mr. Elmer G. Porter of Caywood; Messrs. E. H. Burgess, 143 Liberty street, New York city, appeared as attorney for the respondent; and J. N. Haines the superintendent, Bert Hayden, division freight agent, and F. E. Erdman, traveling freight agent, all of Sayre, Pennsylvania, appeared on behalf of the respondent. Such hearing resolved itself into a conference, and the complainants from all of said places made their specific complaints to the Commission regarding the existing local freight service maintained by the respondent along said line of railroad; after all of said complaints had been heard it was agreed by all parties that the officials of the respondent should take the matter up with the view to relieving the situation, if possible, and the further hearing in the case was adjourned to October 20th instant. The Commission is in receipt of a letter dated October 4, 1916, from Mr. E. H. Boles, the general solicitor for the respondent, announcing that a local freight train such as the complainants desired has been put into service on said line of railroad; another communication has been received by the Commission dated October 11, 1916, from George B. Paterson, who was one of said complainants at said hearing, wherein it is announced that the present local freight service on said line of railroad which has recently been installed by the respondent is entirely satisfactory, and expressing a willingness that this case be closed. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the understanding that the same may be reopened on the application of either party upon good cause shown.

[Case No. 5722]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF ALTAMONT AND BETWEEN SLINGERLAND AND ALTAMONT against THE DELAWARE AND HUDSON COMPANY, asking that the 12:05 p. m. passenger train from Albany to Altamont which has been discontinued shall be restored, at least on Saturdays.

A petition having been filed with this Commission asking that The Delaware and Hudson Company be required to restore its train No. 320, scheduled to leave Albany at 12:05 p. m. on Saturday only, for Altamont, which train was discontinued by timetable effective September 24, 1916; and the company having answered the complaint by stating that effective October 28th it will operate a train from Albany to Altamont leaving Albany at 12:30 p. m. on Saturdays only, and discontinue the operation of train No. 322 on Saturdays only, which train is scheduled to leave Albany for Altamont at 2:20 p. m.; and the Commission having been advised that this change will satisfy the complaint, it is now therefore

Ordered: That the above entitled matter be and hereby is closed upon the records of the Commission.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of October, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the use of oil-burning locomotives on the Adirondack Division of the New York Central and Hudson River Railroad, and on the Carthage and Adirondack Branch of the St. Lawrence Division of said railroad.

The New York Central Railroad Company by petition dated October 24, 1916, has asked that the orders of this Commission dated April 1, 1909, and March 8, 1910, in the above entitled matter, be modified so that the said company may be permitted to operate coal-burning locomotives on that portion of its railroad within the Adirondack Forest Preserve between 8 a. m. and 8 p. m. prior to November 1, 1916. The petition alleges that the rain and snow which have recently fallen within that territory have eliminated the danger from forest fires. The Conservation Commission has informed this Commission by letter dated October 26, 1916, that it has no objection to such modification, provided the said The New York Central Railroad Company is required to discontinue the use of coal-burning locomotives and to use oil-burning locomotives from 8 a. m. to 8 p. m. within twenty-four hours from

the receipt of notice from the Public Service Commission so to do; and provided further that said coal-burning locomotives are maintained in good condition in accordance with the requirements of this Commission. Now therefore

Ordered: That the requirements of the orders of this Commission dated April 1, 1909, and March 8, 1910, are hereby modified to the extent that the petitioner, The New York Central Railroad Company, be and hereby is permitted to use coal-burning locomotives on that portion of its railroad within the Adirondack Forest Preserve between 8 a. m. and 8 p. m. from October 27, 1916, to November 1, 1916, with the understanding that at any time prior to November 1, 1916, it will discontinue the use of coal-burning locomotives within said Preserve during said hours within twenty-four hours from the receipt of notice from this Commission so to do.

[Case No. 4836]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of October, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the NEW YORK STATE RAILWAYS for authority to issue bonds under its fifty-year first consolidated mortgage dated November 1, 1912, to an amount sufficient to realize the sum of \$1,102,153.99.

First
supplemental
order.

By order herein dated May 19, 1915, the New York State Railways was authorized to issue its 4½ per cent fifty-year first consolidated mortgage bonds under a certain indenture dated November 1, 1912, given to The Security Trust Company of Rochester as trustee, to an amount face value sufficient to secure when sold proceeds of \$580,000, "provided that none of such bonds shall be sold until after the proposed sale price thereof shall have been submitted to and approved by this Commission, and nothing herein contained shall be deemed to authorize the actual sale or disposition of said bonds until said sale price so to be submitted shall have been approved by the Commission or a minimum sale price for such bonds shall have been fixed by this Commission." The proceeds to be realized from the sale of such bonds were authorized to be used for purposes of new construction and discharge of debt as set forth in clause No. 2 of said order. At a hearing held on the 19th day of October, 1916, the petitioner offered proof that the best available price for such bonds at the present time was 82½ per cent of their face value, and asked for permission to dispose of sufficient bonds at that price to realize the amount of proceeds heretofore authorized in this case. Now therefore, upon the foregoing record,

Ordered: That the New York State Railways is hereby permitted to issue and sell \$703,000 face value of its 4½ per cent fifty-year first consolidated mortgage bonds for not less than 82½ per cent of their face value and accrued interest, to give net proceeds of \$579,975, and to use such proceeds for the purposes described in the aforesaid order herein dated May 19, 1915, as follows:

(a) For expenditures for new construction on certain projects described in applicant's exhibits Nos. 1 and 2 filed herein at the hearing held May 3, 1915.....	\$133,454.07
(b) To apply toward the payment and discharge of bills payable to the amount of \$780,000 outstanding as of March 31, 1915, as described in exhibit A attached to the supplemental petition filed herein on the second day of April, 1915, or the renewals thereof, incurred on account of the following expenditures:	
1. Additions and betterments as detailed in exhibit B attached to the original petition filed herein the 9th day of March, 1915....	450,661.56
2. Capital expenditures in excess of bond proceeds authorized for such purposes in case No. 2684, described in the report filed by the company in that case dated April 20, 1915.....	5,154.30
Total	\$589,269.93

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of October, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.
Supplemental order as to coal-burning locomotives.

It being provided in an order of this Commission of November 23, 1915, in this matter, that no locomotive burning coal for generating steam shall be operated on this company's railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m. during the period from April 15th to November 1st in each year; and there having been filed with this Commission a letter of said company dated the 26th instant, asking that this prohibition be removed to cover the period of and between the 27th instant and November 1st, this year, and giving as a reason that the woods have been thoroughly soaked with rain; and the Conservation Commission having informed this Commission by letter dated the 27th instant that it does not object to this request under the circumstances hereinafter named; and the Commission being of the opinion that for the reason named this request may properly be granted, it is

Ordered: That the said requirement of the said order of this Commission of November 23, 1916, is hereby suspended for said period, and that the Grasse River Railroad Corporation is hereby permitted to operate coal-burning locomotives on that portion of its railroad in the Forest Preserve between 8 a. m. and 8 p. m. from October 27 to November 1, 1916, inclusive, it being hereby understood that at any time in said period said corporation will discontinue the use of coal-burning locomotives within the Forest Preserve during said hours within twenty-four hours of the receipt of direction of this Commission so to do.

804 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the use of oil-burning locomotives on
the portion of the Chateaugay branch of The Dela-
ware and Hudson Company's railroad in the Forest
Preserve.

The Delaware and Hudson Company having by letter dated October 28,
1916, asked this Commission to suspend the operation of the order of the
Commission of April 1, 1909, as to the use of oil-burning locomotives in the
operation of that part of the Chateaugay branch of said company's railroad
in the Forest Preserve for the dates of October 28, 29, 30, and 31; and the
Conservation Commission having informed this Commission by letter dated
the 28th instant that it does not object to this request under conditions
named in its letter; and the Commission being of the opinion that the
request may properly be granted under such conditions, it having appeared
in other similar cases that there have been heavy rains and snows in the
Forest Preserve and such request having been approved by Commissioner
Carr on October 28th,

Ordered: That such action of Commissioner Carr be and the same is
hereby ratified and approved.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the MAYOR AND
COMMON COUNCIL OF THE CITY OF JAMESTOWN for
the elimination of certain grade crossings of high-
ways over the tracks of the Erie Railroad Company
in the city of Jamestown.

Ordered: That a third intermediate accounting and settlement of expenses
incurred by the Erie Railroad Company, the City of Jamestown, and the State
of New York on account of the work now in course of progress under order
of this Commission in the above entitled matter be entered into by the inter-
ested parties, said accounting to include expenditures to October 15, 1916.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

Ordered: 1. The second intermediate accounting entered into by The New York Central Railroad Company with the Town of Rhinebeck and the State of New York, showing expenditures to the amount of \$77,871.84, including interest to October 1, 1916, properly and necessarily incurred in carrying out the Commission's order of June 13, 1912, in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$77,211.85 has been expended by the railroad corporation, and the following sums have been expended by the State of New York: \$659.99 for engineering expenses, \$16,112.08 on the first intermediate accounting, and \$231.29 accrued interest, making a total sum of \$17,003.36; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the Town of Rhinebeck as indicated by the signatures of its supervisor and four members of the town board.

2. That of the total amount of \$77,871.84 thus expended and so accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$38,935.92, the share of the Town of Rhinebeck is the sum of \$19,467.96, and the share of the State of New York is the sum of \$19,467.96, upon which it is entitled to a credit of \$17,003.36 expended by it as aforesaid; leaving as a balance now due and payable by the State of New York to said The New York Central Railroad Company from funds appropriated for the elimination of grade crossings the sum of \$2464.60.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a grade crossing of the Long Island railroad by the South Country Road state highway at Centre Moriches, in said town.

On the recommendation of The Long Island Railroad Company as indicated by the signature of its chief engineer upon a detail plan showing the superstructure of a railroad bridge for the undergrade crossing required to be

constructed pursuant to a determination of this Commission in the matter above entitled, it is

Ordered: That said plan be and it is hereby approved by this Commission.

Further Ordered: That as recommended by The Long Island Railroad Company, the unit price quoted by the Phoenix Bridge Company of four and twenty-nine hundredths (4.29) cents per pound for the manufacture and delivery of the steel for the bridge, f. o. b. cars Richmond Hill, Long Island, be and it is hereby approved, said unit price being the lowest bid received in response to invitations to contractors.

[Case No. 3590]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SYRACUSE LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$81,000 par value of its extension and improvement 6 per cent ten-year gold bonds.

Second
supplemental
order.

By order herein dated May 28, 1913, as amended on July 28, 1914, the Syracuse Lighting Company was authorized to issue and sell for not less than their face value and accrued interest \$81,000 face value of 6 per cent ten-year extension and improvement gold bonds, and to use the proceeds thereof for new construction and the purchase of new equipment as set forth in such orders. According to verified reports filed, all of the bonds so authorized have been sold, proceeds realized totaling \$81,000, of which there have been expended for authorized purposes \$69,173.21, leaving an unexpended balance of \$11,826.79. By petition filed June 9, 1916, in case No. 5596, the Syracuse Lighting Company prays for authority to apply such unexpended balance toward the reimbursement of its treasury for expenditures for capital purposes from income during the calendar year 1915. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the sum which still remains to be expended in this proceeding, amounting to \$11,826.79, is hereby transferred to case No. 5596, "In the matter of the petition of Syracuse Lighting Company under section 69, Public Service Commissions Law, for authority to issue \$100,000 of its extension and improvement 6 per cent 10-year gold bonds, under an existing mortgage; and as to use of proceeds of similar bonds heretofore authorized"; and verified reports of the disposition of such unexpended balance shall be filed in that proceeding.

2. That this case is hereby closed upon the records of this Commission.

[Case No. 4039]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of TRACY DEVELOPMENT COMPANY, CENTRAL NEW YORK GAS AND ELECTRIC COMPANY, and EMPIRE COKE COMPANY, for approval of lease, etc., and for authority to issue and guarantee bonds.

Fourth
amendatory
order.

The order herein dated August 5, 1914, as amended on October 29, 1914, and May 27, 1915, authorized the Tracy Development Company, among other things, to issue and sell, at not less than 92 per cent of their face value, \$250,000 face value of its 6 per cent thirty-year first mortgage gold bonds, and to use the proceeds realized from the sale thereof for the payment of debt and for the construction of a power plant at an estimated cost of \$212,000; it ratified the issuance by the Tracy Development Company at par of \$300,000 par value of its common capital stock; it included an entry to be placed upon the books of the company to adjust its balance sheet as of December 31, 1913, to the facts as represented. This order also required "That if the cost of construction of the proposed power plant of the petitioner for any reason whatsoever shall exceed the aforesaid estimate of \$212,000, such excess shall be charged to the appropriate fixed capital accounts in the regular manner as provided in the Uniform System of Accounts for Electrical Corporations, and contemporaneously therewith a credit shall be made on the books of the Tracy Development Company to the account 'Land devoted to electric operations' hereinafter referred to for an amount equal to such excess. . . ."

By supplemental petition filed herein under date of August 8, 1916, which is supported by a report dated June 14, 1916, of an audit of the receipts and disbursements of the Tracy Development Company, including those for construction purposes, prepared by Messrs. West and Flint, certified public accountants, the company asked (1) that the Commission authorize the use of the proceeds of the aforesaid bonds for the actual expenditures made in constructing the plant as shown in the verified report above referred to, as in some instances the expenditures exceeded and in others were less than the amounts enumerated in the order authorizing their use; (2) that action under the requirements of those portions of the order dated August 5, 1914, above quoted, regarding the adjustments of the company's accounts be deferred until March 1, 1918, in order that the petitioner may secure accurate information for submission to the Commission covering its operations for the entire year of 1917; (3) that those provisions of the order herein dated August 5, 1914, having to do with the correction of the petitioner's accounts as of December 1, 1913, as indicated in its supplemental petition, be amended as indicated in this supplemental petition, supported by the aforesaid report of Messrs. West and Flint. The Commission's division of capitalization's report with respect to these matters is dated October 9, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clauses Nos. 6 and 10 of the order of the Commission entered herein under date of August 5, 1914, as amended on October 29, 1914, and May 17, 1915, are hereby further amended by the substitution therefor of the following:

6. That said bonds of the par value of \$250,000 so authorized, or the proceeds thereof to the amount of \$230,000, shall be used solely and exclusively for the following purposes:

(a) For the payment of a bill payable given to the First National Bank of Geneva, dated February 1, 1918.....		\$25,000.00
(b) For the payment of accounts payable outstanding at December 31, 1918		43,061.82
(c) For the construction of a power plant for the Tracy Development Company, as detailed in report dated June 14, 1916, submitted by the company in this proceeding, as follows:		
1. Excavation	\$33,035.55	
2. Power house	10,249.14	
3. Steel in trash rack, pen-stocks	4,293.40	
4. Ice gate and stop logs, complete.....	133.80	
5. Plain concrete	80,074.15	
6. Reinforced concrete	15,078.24	
7. Rubble masonry	5,646.44	
8. Equipment for four units, which include turbines, governors, excitors, generators, switch-boards, wiring, lighting, plumbing, etc.....	74,998.45	
9. Organization, engineering and superintendence, interest during construction, legal expenses, and incidentals	39,598.74	
		213,107.91
		<u>\$281,169.23</u>

Amount unprovided for..... \$51,169.23

provided that if the cost of construction of the proposed power plant of the petitioner for any reason whatsoever shall exceed the aforesaid estimate of \$212,000, such excess shall be charged to the appropriate fixed capital accounts in the regular manner, as provided in the Uniform System of Accounts for Electrical Corporations, and contemporaneously therewith a credit shall be made on the books of the Tracy Development Company to the account "Land devoted to electrical operations" hereinafter referred to for an amount equal to such excess; and further provided (a) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (b) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (c) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (d) that if there shall be required subject to the limitations herein contained for any of the aforesaid purposes a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof so required shall be used for any purpose without the further order of the Commission.

10. That the following entry shall be made on the books of the Tracy Development Company to correct its balance sheet as of December 1, 1913:

Fixed Capital, Dr.	
Land devoted to electric operations.....	\$206,721.33
Other intangible electric capital.....	138,595.99
Engineering and superintendence.....	331.65
Law expenditures during construction.....	5,238.49
Taxes during construction	794.07
Interest during construction.....	8,821.14
Miscellaneous construction expenditures.....	2,090.67
Unamortized debt discount and expenses.....	2.65
Investments, land not used in electrical operations.....	6,000.00
	<u>\$363,595.99</u>

to

Plant, Cr. \$363,595.99

and provided further, that in so far as anything shall be realized from the claim against the State, estimated at \$60,000, referred to in the hearing held on the 20th day of July, 1914, such proceeds shall not be credited to surplus, but shall be credited to the aforesaid account "Other intangible electric capital," opened as herein required and shown on the books of the Tracy Development Company.

2. That the operation of that portion of ordering clause No. 6 of the order herein dated August 5, 1914, which provided that if the cost of the construction of the proposed power plant shall exceed the estimate of \$212,000, such excess shall be charged to the appropriate fixed capital accounts, and contemporaneously therewith a credit shall be made to the account "Land devoted to electric operations," as more particularly described in the preamble of this order, shall be suspended until after January 1, 1918, after which date the company shall have sixty days in which to submit to the Commission

a plan which will enable compliance with the provisions of such clause, including a detailed verified report of the operations of the property for the calendar year 1917.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of bonds heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4317]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the SYRACUSE LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$444,000 of its extension and improvement 6 per cent ten-year bonds.

By order herein dated June 23, 1914, as amended under date of June 6, 1916, the Syracuse Lighting Company was authorized to issue and sell for not less than their face value and accrued interest \$434,000 face value of 6 per cent ten-year extension and improvement gold mortgage bonds, and to use the proceeds thereof, amounting to \$434,000, for purposes of new construction as set forth in exhibit A attached to the original petition herein dated May 18, 1914, as amended by supplemental petition dated May 1, 1916. All of the bonds so authorized have been sold, and expenditure of proceeds for authorized purposes have been reported, totaling \$398,559.73, which leaves a balance of unexpended proceeds of \$35,440.27. By petition filed June 9, 1916, in case No. 5596, the Syracuse Lighting Company prays for authority to apply such unexpended balance toward the reimbursement of its treasury for expenditures for capital purposes from income during the calendar year 1915. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the sum which still remains to be expended in this proceeding, amounting to \$35,440.27, is hereby transferred to case No. 5596, "In the matter of the petition of Syracuse Lighting Company under section 69 Public Service Commissions Law for authority to issue \$100,000 of its extension and improvement 6 per cent ten-year gold bonds under an existing mortgage, and as to use of proceeds of similar bonds heretofore authorized"; and verified reports of the disposition of such unexpended balance shall be filed in that proceeding.

2. That this case is hereby closed upon the records of this Commission.

1915, wherein it is alleged that it is impracticable to make further extensions to its service lines in the city of Buffalo, for the reason that such extensions would seriously jeopardize the supply of gas available for its present consumers, which number approximately eighty thousand, along its lines in Erie and Cattaraugus counties. Several hearings have been appointed for this case, but at no time have the parties been ready to proceed; finally communications were addressed to Hon. Clinton T. Horton of Buffalo, the attorney for the complainant, under dates of October 10 and October 23, 1916, suggesting that this case be closed upon the records of the Commission, with the privilege to the complainant of renewing the complaint herein at any time in the future; and on the 27th day of October, 1916, at the city of Buffalo, the said attorney informed the Commissioner in charge that such course might be taken in this matter. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the privilege however to the complainant of renewing its complaint at any time in the future.

[Case No. 5485]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of GOWANDA LIGHT AND POWER CORPORATION under section 70 of the Public Service Commissions Law for consent to the transfer to it of the franchises, works, and system of the electric plant of the Keyes Electric Company, in the incorporated village of Gowanda, Cattaraugus county.

This matter was brought to the Commission upon an application for the Keyes Electric Company to transfer, and for the Gowanda Light and Power Corporation to purchase, all the franchises, works, and system of the former company in the village of Gowanda, Cattaraugus county. The petition is signed only by the Gowanda Light and Power Corporation, but at a hearing duly held by the Commission in this case in the city of Buffalo on the 22nd day of September, 1916, that omission was cured by the filing as exhibit 1 of a certified copy of the duly executed deed of conveyance from the said Keyes Electric Company to the said Gowanda Light and Power Corporation, of all the franchises, real property, water rights, personal property, and all their assets, which together constitute the works and system of the Keyes Electric Company, located in the village of Gowanda, Cattaraugus county. It satisfactorily appears to the Commission from the proofs and proceedings taken and had on said hearing that the Gowanda Light and Power Corporation was incorporated in the year 1915, and received said transfer and conveyance from the Keyes Electric Company, which has operated in said village for a number of years, and which company has determined to go out of business; that pursuant to said deed dated August 17, 1915, the said Gowanda Light and Power Corporation immediately took over the business of said Keyes Electric Company, and has continued the same ever since, and has made large additions to said plant and increased the business thereof, and is now operating in the streets of the village of Gowanda with the consent of the local authorities, although there has not been presented to the Commission any proof of an existing franchise therefor in favor of either of said companies,

and no approval of said transfer has been made by the Commission. The consideration of said transfer was the sum of \$22,000, which was paid in cash to the said Keyes Electric Company by the Gowanda Light and Power Corporation; and the latter company also assumed and agreed to pay a certain mortgage upon said plant upon which there was then unpaid the sum of \$6760. The Commission is satisfied that said consideration price was fair and reasonable for the said property, works, and system. On said hearing there was no opposition to the said petition; and George A. Larkin of Olean appeared as attorney for the petitioner, and H. R. Waldrof of Gowanda, manager of the Gowanda Light and Power Corporation, also appeared; and at a subsequent hearing held in this case in the city of Buffalo on the 20th day of October, 1916, the representatives of said petitioner announced that a careful search had been made, and that they were unable to find any franchise in favor of either of said corporations granted by the municipal authorities of the Village of Gowanda; and that the said Gowanda Light and Power Corporation would immediately take steps to procure a franchise in said village and come to the Commission with an application for its approval in a separate proceeding. It is therefore

Ordered: That permission and approval *nunc pro tunc* are hereby given to the said transfer and conveyance by the Keyes Electric Company to the said Gowanda Light and Power Corporation of all its property, works, and system which are mentioned in the said conveyance dated August 17, 1915, the consideration of which is the said sum of \$22,000 in cash, paid by the said Gowanda Light and Power Corporation to the said Keyes Electric Company, and the assumption by the former company of the mortgage upon said property amounting to the further sum of \$6760.

[Case No. 5596]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SYRACUSE LIGHTING COMPANY under section 69, Public Service Commissions Law, for authority to issue \$100,000 of its extension and improvement 6 per cent 10-year gold bonds under an existing mortgage; and as to use of proceeds of similar bonds heretofore authorized.

Petition filed June 9, 1916; reports of division of capitalization dated September 9 and October 30, 1916; stipulation filed October 30, 1916; orders of even date herewith in cases Nos. 3590 and 4317. The petition filed herein under date of June 9, 1916, asks for authority to issue \$100,000 face value of the company's extension and improvement mortgage 6 per cent gold bonds dated March 1, 1909, and due March 1, 1919, at their face value and accrued interest, and to use the proceeds thereof amounting to \$100,000, together with the unexpended proceeds of securities previously authorized, viz. \$47,267.06, to reimburse its treasury for capital expenditures made therefrom during the calendar year 1915. The unexpended proceeds of \$47,267.06 consist of balance of \$11,826.79 of proceeds of \$81,000 of bonds authorized May 28, 1913, and July 28, 1914, in case No. 3590, to be sold at their face value and the proceeds used for new construction; and \$35,440.27 balance of unexpended proceeds of \$434,000 of bonds authorized June 23, 1914, and June 6, 1916, in case

No. 4317, to be sold at their face value and the proceeds used for new construction. According to the petition herein these unexpended proceeds are not required for the purposes for which they were originally authorized, and application is made herein to include them with the proceeds of securities petitioned for in this case for the reimbursement of the treasury as hereinbefore set forth.

In connection with the consideration of the petition herein, an examination of the books and records of the company has been made covering its operations from January 1, 1912, to December 31, 1915. This examination brought up to date a similar one which was made in connection with an earlier application, at which time the capital transactions of the petitioner from January 1, 1909, to December 31, 1911, were analyzed. According to the report of the division of capitalization of the Commission dated September 9, 1916, of the results of the examination of the accounts of the petitioner, capital expenditures from income were made during the calendar year 1915 to the amount of \$160,164.67. The transactions during this period, however, have not been verified by a physical examination of the property of the petitioner by the engineers of the Commission, but in order among other things to have its application herein passed upon by the Commission as soon as possible, the company has entered into a stipulation with the Commission, a copy of which dated October 18, 1916, is filed herein. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Syracuse Lighting Company is hereby authorized to issue \$100,000 face value of its 6 per cent ten-year extension and improvement mortgage gold bonds under a certain indenture dated March 1, 1909, given to the Bankers Trust Company of New York as trustee, to secure an authorized issue of a total face value of \$2,500,000.

2. That said bonds of the total face value of \$100,000 shall be sold for not less than their face value and accrued interest to give net proceeds of at least \$100,000.

3. That said bonds of the face value of \$100,000 so authorized, or the proceeds thereof, together with the unexpended proceeds of \$47,267.06 of securities heretofore authorized in cases Nos. 3590 and 4317, shall be used solely and exclusively for the reimbursement in part of the treasury of the petitioner for moneys actually expended from income during the calendar year 1915 not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation for the acquisition of fixed assets.

4. That if the said bonds of a total face value of \$100,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$100,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Syracuse Lighting Company unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

6. That the company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used for the purpose specified herein during such period of bond proceeds. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

7. That pursuant to the stipulation filed herein the Syracuse Lighting Company shall immediately begin the analysis of all of its transactions recorded in

or to be recorded in or affecting its balance sheet accounts to the date of the inventory of its property provided for in the next succeeding clause hereof, and as far as possible those of its predecessor companies, and a classification of such transactions among the accounts defined in the Uniform Systems of Accounts for Electrical and Gas Corporations after the manner in which its capital transactions during the period from January 1, 1912, to December 31, 1915, are shown in the report in this case of the Commission's division of capitalization dated September 9, 1916.

8. That pursuant to the stipulation filed herein the Syracuse Lighting Company shall immediately begin the taking of an inventory of all of its tangible property, which shall show all such property owned on December 31, 1916, classified according to the defined accounts in the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations.

9. That the analysis of the capital transactions and the inventory of the tangible property shall be completed and submitted to the Commission for its approval in accordance with the terms of the stipulation herein on or before June 30, 1917.

10. That this proceeding is hereby continued upon the records of the Commission until the stipulation hereinbefore referred to filed on the 30th day of October, 1916, shall have been fully satisfied and an order entered accordingly.

11. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5681]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of ITHACA GAS AND ELECTRIC CORPORATION under section 70, Public Service Commissions Law, for authority to acquire all of the capital stock of the Homer and Cortland Gas Light Company.

Petition filed August 29, 1916; petition in amended form filed September 12, 1916; hearing held October 18, 1916 (minutes filed in case No. 5699). Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ithaca Gas and Electric Corporation is hereby authorized to acquire and hold 1474 shares, each of the par value of \$100, aggregating a par value of \$147,400, of the common capital stock of the Homer and Cortland Gas Light Company, provided however that the cost to it of such stock shall be the par value thereof.

2. That the Ithaca Gas and Electric Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing what stock of the Homer and Cortland Gas Light Company has been acquired under the authority of this order, the dates of such acquisition, and the actual cost of such stock. Such reports shall continue to be filed until the Ithaca Gas and Electric Corporation shall have acquired all of the stock of the Homer and Cortland Gas Light Company which it is herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5698]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ITHACA GAS AND ELECTRIC CORPORATION under section 70, Public Service Commissions Law, for authority to acquire all of the capital stock of the Norwich Gas and Electric Company.

Petition filed September 23, 1916; hearing held October 18, 1916 (minutes filed in case No. 5699). Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ithaca Gas and Electric Corporation is hereby authorized to acquire and hold 2000 shares, each of the par value of \$100, aggregating a par value of \$200,000, of the common capital stock of the Norwich Gas and Electric Company, provided however that the cost to it of such stock shall be the par value thereof.

2. That the Ithaca Gas and Electric Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing what stock of the Norwich Gas and Electric Company has been acquired under the authority of this order, the dates of such acquisition, and the actual cost of such stock. Such reports shall continue to be filed until the Ithaca Gas and Electric Corporation shall have acquired all of the stock of the Norwich Gas and Electric Company which it is herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5699]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ITHACA GAS AND ELECTRIC CORPORATION under section 70 of the Public Service Commissions Law for authority to acquire all of the capital stock of the Oneonta Light and Power Company.

Petition filed September 23, 1916; hearing held October 18, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ithaca Gas and Electric Corporation is hereby authorized to acquire and hold 2278 shares, each of the par value of \$100, aggregating a par value of \$227,800, of the common capital stock of the Oneonta Light and Power Company, provided however that the cost to it of such stock shall be the par value thereof.

2. That the Ithaca Gas and Electric Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing what stock of the Oneonta Light and Power Company has been acquired under the authority of this order, and the dates of such acquisition and the actual cost of such stock. Such reports shall continue to be filed until the Ithaca Gas and Electric Corporation shall have acquired all of the stock of the Oneonta Light and Power Company which it is herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5760]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of C. W. VALENTINE AND OTHERS OF WATERTOWN, Jefferson county, against GEORGE N. WILSON, an electrical corporation, of Henderson and Henderson Harbor, Jefferson county, for failure to furnish reasonable service.

Complaint having been made by twenty-five users of electric current furnished by George N. Wilson, at Henderson and Henderson Harbor, Jefferson county, that his service is neither continuous nor reasonable; and Mr. Wilson's attention having been called to the alleged defects in his service by letters

from the Commission dated September 25, October 9, and October 19, 1916, which have never been answered by or for Mr. Wilson; and Mr. Wilson's plant having been inspected by F. W. Schiller, inspector, on behalf of the Commission; and certain recommendations having been made by the inspector and communicated to Mr. Wilson for the betterment of his plant and service, none of which have been accepted or acted upon by him;

Ordered: That George N. Wilson show cause before the Commission, at its office, No. 58 North Pearl street, in the city of Albany, on the 20th day of November, 1916, at 2 o'clock in the afternoon, why an order should not issue requiring him forthwith to make necessary repairs to his plant and improvements in his service, and particularly why he should not make the repairs and improvements set forth in this Commission's letter dated September 25, 1916.

Special Permission Tariffs, October, 1916.

No 6228; October 1, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) for itself and its leased line, the West Shore Railroad, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective October 1, 1916, supplements to freight tariffs P. S. C., 2 N. Y., N. Y. C. No. 2648, and P. S. C., 2 N. Y., W. S. No. 707, postponing, as to New York state traffic, the effective dates of items Nos 250 and 251 as shown on page five of supplement No. 6 to said tariff P. S. C., 2 N. Y., N. Y. C. No. 2648, and items Nos. 246 and 247 as shown on pages five and six of supplement No. 6 to said tariff P. S. C., 2 N. Y., W. S. No. 707, in so far as the regulations and practices contained in said items seek to restrict the New York state transportation of china wood oil and soya bean oil to refrigerator cars, and to condition the acceptance for transportation of said oils upon the presentation of a sworn weigher's certificate, or seek to increase the present rates or charges for the transportation of said oils, from October 1, 1916, until January 29, 1917, unless otherwise ordered by the Commission.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2648, and supplement No. 7 to P. S. C. W. S. No. 707; effective October 1, 1916.

No. 6229; October 3, 1916; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application of date September 30, 1916, the Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Wooden Broom Handles, in carloads, minimum weight forty thousand pounds, from Northville, N. Y., over its line via Fonda, N. Y., and the New York Central railroad to Amsterdam, N. Y., at rate of one dollar thirty-one and one-half cents per ton of two thousand pounds, said tariff to be issued as expiring with the close of business October 16, 1916, giving reference by P. S. C., 2 N. Y., number to tariff wherein future rate will be found. This permission is void unless the schedule issued thereunder is filed with the Commission within five days from the date hereof.

Completed by P. S. C. No. 233, effective October 6, 1916.

No. 6230; October 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and

joint commodity tariff applying on Nursery Moss, in carloads, minimum weight thirty thousand pounds, from Scriba, N. Y., to Rochester (Brighton, Kent Street, Portland Avenue, and State Street stations), N. Y., Chili, N. Y., and Geneva, N. Y., at rate of eight and four-tenths cents per hundred pounds; and from Scriba, N. Y., over its line and the West Shore railroad to Newark, N. Y., at rate of eight and four-tenths cents per hundred pounds; and to Elba, N. Y., at rate of ten and five-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2949, effective October 9, 1916.

No. 6231; October 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 30, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 65, and therein establish rate of seventy-nine cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, from Millerton, N. Y., to Brewster, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 29 to P. S. C. N. Y. C. No. 65, effective October 9, 1916.

No. 6232; October 3, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 2, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Brick: Building, Common, Hollow and Pressed, in carloads, minimum weight fifty thousand pounds, from Newton Hook, N. Y., to Albany, N. Y., and Rensselaer, N. Y., at rate of sixty-three cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2956, effective October 9, 1916.

No. 6233; September 22, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date September 21, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and under an effective date not earlier than October 15, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2919, amending page nine of said tariff so as to provide on Bleach, carloads, from stations taking index Nos. 425, 432 to 448 inclusive, 458, and 460 to points of destination taking index Nos. 1 to 187 inclusive, rate of eleven and nine-tenths cents per hundred pounds.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2919, effective October 15, 1916.

No. 6234; October 4, 1916; Geneva, Seneca Falls and Auburn Railroad Company, Incorporated:

Ordered: That under its application of date October 3, 1916, the Geneva, Seneca Falls and Auburn Railroad Company, Incorporated, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than fifteen days' notice and under an effective date of November

1, 1916, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 6, said supplement to amend section 6 of tariff by adding the following regulation to govern the sale and use of school commutation tickets:

"During the months in which schools are open, school tickets are sold in books of fifty (50) tickets, at the company's general office, in the village of Waterloo, to students and teachers for two-thirds ($\frac{2}{3}$) the regular cash fare, provided the cash fare is ten cents (10¢) or more. School tickets are good only between the hours of 8:10 a. m. and 5:45 p. m. These tickets are good until used, but they are not good on Saturdays, Sundays, or Legal Holidays."

Completed by supplement No. 1 to P. S. C. No. 6, effective November 1, 1916.

No. 6235; October 5, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date October 4, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Apples, in carloads, minimum weight to be specified, from Sterling, N. Y., over its line and the New York, Ontario and Western railway to Constantia, N. Y., at rate of eleven cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. D-3314, effective October 8, 1916.

No. 6236; October 5, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date October 4, 1916, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not earlier than October 28, 1916, a supplement to its freight tariff of Exceptions to Official Classification, P. S. C., 2 N. Y., No. 581, said supplement to make no other change than to correct printer's error in items 331 and 332 as shown on page three of supplement No. 1 to said tariff, filed to take effect October 28, 1916.

Completed by supplement No. 2 to P. S. C. No. 581, effective October 28, 1916.

No. 6237; October 6, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date October 5, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3205, said supplement to establish rate of sixty-five cents per ton of two thousand pounds on Rough Building Stone, in carloads, from Van Etten, N. Y., to East Ithaca, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 10 to P. S. C. No. D-3205, effective October 11, 1916.

No. 6238; October 6, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date October 5, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Fluid Milk, in ten-gallon cans, estimated weight one hundred eleven and one-half pounds, from Silver Springs, N. Y., to Bliss, N. Y., at rate of fourteen and two-tenths cents per hundred pounds. This permission is void unless the schedule issued

thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1289, effective October 12, 1916.

No. 6239; October 6, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 5, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Curbing and Paving Stone, in carloads, minimum weight eighty thousand pounds, from 130th Street station, New York, N. Y., over its line and the West Shore railroad to Ilion, N. Y., at rate of one dollar and sixty-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2960, effective October 13, 1916.

No. 6240; October 6, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date October 5, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Curbing and Paving Stone, carloads, minimum weight eighty thousand pounds, from Albany, N. Y., to Ilion, N. Y., at rate of one dollar and ten cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 851, effective October 13, 1916.

No. 6241; October 7, 1916; International Railway Company:

Ordered: That under its application of date October 6, 1916, the International Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date hereof, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 135, said supplement to eliminate from page three under caption "Commutation Tickets" the following item:

"Buffalo, N. Y., and Kenmore, N. Y., 30-trip, \$2.25; Buffalo, N. Y., and Kenmore, N. Y., 60-trip \$4.50. Buffalo-Kenmore 30- and 60-trip commutation ticket books good only during the calendar month in which issued and for transportation in either direction if used between the hours of 6 and 9 a. m. and 5 and 7 p. m. of the days in such month and good only between Buffalo, N. Y., and Stop No. 3, town of Tonawanda, N. Y. (Military Road), on the Buffalo-Niagara Falls Division of this Company."

Also to establish on page four the following:

"Round-trip Tickets.—Good only on the Buffalo-Niagara Falls Division cars between the hours of 6 and 9 a. m. and 5 and 7 p. m., and good only between Buffalo, N. Y., and Stop No. 3, town of Tonawanda, N. Y. (Military Road) (Kenmore Line), 15 cents. These tickets can only be purchased at the ticket office of this company, Main and Court Sts., Buffalo, N. Y."

Completed by supplement No. 1 to P. S. C. No. 135, effective October 16, 1916.

No. 6242; October 9, 1916; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission

established thereunder, on not less than one day's notice, a freight tariff or supplement to a tariff, and therein establish rate of ten and one-half cents per hundred pounds on Apples, in bulk, Apple Waste, Apple Chops, Apple Cores, and Apple Skins, in carloads, minimum weight as per Official Classification, from Geneva, N. Y., over its line and the West Shore railroad to Ravena, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 1678, effective October 18, 1916.

No. 6243; October 9, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2855, said supplement to establish rate of thirty-seven cents per ton of two thousand pounds on Sand, carloads, minimum weight sixty thousand pounds, from Syracuse, N. Y., to Brewerton, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 2855, effective October 16, 1916.

No. 6244; October 10, 1916; The New York Central Railroad Company, (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 9, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2328, and therein establish rate of thirty-seven cents per ton of two thousand pounds on Crushed Stone, carloads, minimum weight sixty thousand pounds, from Prospect Junction, N. Y., to Gravesville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2328, effective October 16, 1916.

No. 6245; October 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under his application of date October 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Limestone or Fluxing Stone, carloads, minimum weight twenty-four tons of twenty-two hundred and forty pounds each, from Gouverneur, N. Y., to Marcy, N. Y., and Stittville, N. Y., at rate of sixty-three cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 2970, effective October 18, 1916.

No. 6246; October 11, 1916; Erie Railroad Company:

Ordered: That under its application of date October 9, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date not earlier than November 4, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3562, said supplement to cancel

supplements Nos. 2 and 4, reissuing the matter contained in supplement No. 4 and bringing forward as reissued matter items shown on page three of supplement No. 2 which, through error, were not brought forward in supplement No. 4.

Completed by supplement No. 5 to P. S. C. No. 3562, effective November 4, 1916.

No. 6247; October 11, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: 1. That under its application of date October 10, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 14108 (N. Y. C. & H. R. R. Co. issue, adopted), applying on wheat, corn, rye, barley, oats, and flaxseed, in bulk, ex-lake, in carloads, at and east of Buffalo, N. Y., through the Buffalo elevators, as specified therein, to Albany, N. Y., New York city, N. Y., Philadelphia, Penna., Boston, Mass., and other points, and points taking same rates as shown in tariff, and add Dellwood Elevator to the list of Buffalo elevators in connection with which the rates and rules as shown in the tariff now apply as to New York state traffic.

2. That said supplement be issued to expire with the close of business October 31, 1916, and to effect the change herein authorized the requirements of rule 9 (e) of Circular No. 55 as to number of supplements which may be in effect at any time is waived.

Completed by supplement No. 11 to P. S. C. No. 14108, effective October 16, 1916.

No. 6248; October 11, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: 1. That under its application of date October 10, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 652, applying on wheat, corn, rye, barley, oats, and flaxseed, in bulk, ex-lake, in carloads, at and east of Buffalo, N. Y., through the Buffalo elevators, as specified therein, to Albany, N. Y., New York city, N. Y., Philadelphia, Penna., Boston, Mass., and other points, and points taking same rates as shown in tariff, and add Dellwood Elevator to the list of Buffalo elevators in connection with which the rates and rules as shown in the tariff now apply as to New York state traffic.

2. That said supplement be issued to expire with the close of business October 31, 1916, and to effect the change herein authorized the requirements of rule 9 (e) of Circular No. 55 as to number of supplements which may be in effect at any time is waived.

Completed by supplement No. 2 to P. S. C. W. S. No. 652, effective October 16, 1916.

No. 6249; October 11, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date October 10, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 740, said supplement to establish rate of eighty-nine cents per ton of two thousand pounds on Sand and Gravel, in carloads, from Allegany, N. Y., over its line and the Delaware, Lackawanna and Western railroad to Depew, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 44 to G. O. P. S. C. No. 740, effective October 19, 1916.

No. 6250; October 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 12, 1916, The New York Central Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff and therein establish rate of four and seven-tenths cents per hundred pounds on Apples, in bulk, Apple Waste, Apple Chops, Apple Cores, and Apple Skins, in carloads, minimum weight as per Official Classification, from Kent street, Portland Avenue, and Brighton stations, Rochester, N. Y., to Holley, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 1678, effective October 18, 1916.

No. 6251; October 14, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date October 9, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within ten days from the date of this permission, a supplement amending its tariff G. O. P. S. C., 2 N. Y., No. 775, said supplement to advance effective date of rate of fifty-two cents per ton of two thousand pounds on Sand and Gravel, in carloads, from Scottsville, N. Y., to Buffalo, Rochester and Pittsburgh railway stations index Nos. 1 to 7 inclusive, as published in supplement No. 27 to said tariff, effective November 1, 1916; also to publish rate of fifty-two cents per two thousand pounds on Sand and Gravel, in carloads, from Scottsville, N. Y., to Buffalo, Rochester and Pittsburgh railway stations Rochester N. Y., and Lincoln Park, N. Y.

Completed by supplement No. 29 to G. O. P. S. C. No. 775, effective October 19, 1916.

No. 6252; October 16, 1916; Hendrick S. Holden and C. Loomis Allen, Receivers, Syracuse, Lake Shore and Northern Railroad Company:

Ordered: That under their application of date October 13, 1916, Hendrick S. Holden and C. Loomis Allen, Receivers, Syracuse, Lake Shore and Northern Railroad Company, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than two days' notice, a supplement to passenger tariff P. S. C., 2 N. Y., No. 4, originally issued by Syracuse, Lake Shore and Northern Railroad Company and adopted by said Receivers, Hendrick S. Holden and C. Loomis Allen, and provide therein that the rates and fares shown in tariff as applying to and from Stop 31 will also apply to and from Stop 30, a new stop established distant from Syracuse 28.3 miles. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 6 to P. S. C. No. 6, effective October 23, 1916.

No. 6253; October 17, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date October 16, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a freight tariff or supplement to a tariff, and therein establish rate of eight and four-tenths cents per hundred pounds on Apples, in bulk, Apple Waste, Apple Chops, Apple Cores, and Apple Skins, in carloads, minimum weight as per Official Classification, from Montgomery, N. Y., to Ravena, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. W. S. No. 338, effective October 25, 1916.

No. 6254; October 18, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date October 17, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Apples, in carloads, minimum weight thirty thousand pounds, from various New York state stations on its line via Cornwall, N. Y., and West Shore railroad to Ravena, N. Y., at rates in cents per hundred pounds, as specified in exhibit A accompanying said application and hereby made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3349, effective October 23, 1916.

No. 6255; October 19, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date October 18, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and as expiring with the close of business February 1, 1917, unless sooner canceled, changed, or extended, a tariff of switching charges applying at Syracuse, N. Y., and therein establish rate of three dollars and fifty cents per car on stock material from the old plant of the John Deere Plow Company to the new plant of said company. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2749, effective October 24, 1916.

No. 6256; October 19, 1916; Auburn and Syracuse Electric Railroad Company:

Ordered: That under its application of date October 18, 1916, the Auburn and Syracuse Electric Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a freight tariff of less than carload commodity rates on Rope, Twine, and Yarn, said tariff to cancel tariff P. S. C., 2 N. Y., No. 17, and reissue the matter contained, making no change therein except in the governing clause which is to read "Governed, except as otherwise provided herein, by Official Classification P. S. C., 2 N. Y., O. C. No. 43 (issued by R. N. Collyer, Agent), supplements thereto and superseding issues thereof". This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 20, effective November 10, 1916.

No. 6257; October 20, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date October 19, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 1077, said supplement to establish rate of one dollar and sixty-eight cents per ton of two thousand pounds on Logs, in carloads, from Springville, N. Y., over its line via Buffalo, N. Y., and the New York, Chicago and St. Louis railroad or New York Central railroad to Brocton, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. No. 1077, effective October 26, 1916.

No. 6258; October 20, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and

east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2855, said supplement to establish rate of thirty-seven cents per ton of two thousand pounds on Gravel, carloads, minimum weight sixty thousand pounds, from Syracuse, N. Y., to Brewerton, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2855, effective October 25, 1916.

No. 6259; October 23, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date October 21, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 1128, 1173, and 1273, said supplements to restore, in so far as same relate to New York intrastate traffic, the export rates on iron and steel articles which were canceled effective October 1, 1916, by supplement No. 9 to P. S. C., 2 N. Y., No. 1128, supplement No. 4 to P. S. C., 2 N. Y., No. 1173, and supplement No. 1 to P. S. C., 2 N. Y., No. 1273. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof

Completed by supplement No. 10 to P. S. C. No. 1128, supplement No. 5 to P. S. C. No. 1173, and supplement No. 3 to P. S. C. No. 1273; filed October 30, 1916.

No. 6260; October 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date October 24, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2855, said supplement to establish rate of seventy-three cents per ton of two thousand pounds on Sand and Gravel, carloads, minimum weight sixty thousand pounds, from Morristown, N. Y., to Edwards, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 2855, effective November 1, 1916.

No. 6261; October 25, 1916; The Delaware, Lackawanna and Western Railroad Company:

This special permission not used.

No. 6262; October 26, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date October 26, 1916, The New York, New Haven and Hartford Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. X-11, further postponing, as to New York state traffic, from October 26, 1916, until April 26, 1917, unless otherwise ordered by the Commission, the effective date of section C of Rule 5 contained in supplement No. 2 to said tariff, filed to become effective June 28, 1916.

Completed by supplement No. 6 to P. S. C. No. X-11, effective October 26, 1916.

No. 6263; October 27, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date October 26, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Manure, in carloads, minimum weight fifty thousand pounds, from Buffalo, N. Y., over its line via Salamanca, N. Y., and the Western New York and Pennsylvania Traction Company to Olean, N. Y., at rate of eighty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1293, effective October 31, 1916.

No. 6264; October 27, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date October 26, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Crushed Stone, in carloads, minimum weight marked capacity of car, except when cars are loaded to their visible capacity actual weight will govern, but in no case will the minimum weight be less than forty thousand pounds, from Black Rock, N. Y., over its line via Wayland, N. Y., and the Pittsburg, Shawmut and Northern railroad to Moraine, N. Y., at rate of seventy-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2754, effective October 31, 1916.

No. 6265; October 28, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date October 27, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Bark, carloads, minimum weight to be specified, from DeLancy, N. Y., over its line via Sidney, N. Y., and The Delaware and Hudson Company's railroad to Ballston Spa, N. Y., at rate of two dollars and sixteen cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3361, effective October 31, 1916.

No. 6266; October 30, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application of date October 27, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. A-588, said supplement to establish rate of fifty-eight cents per ton of two thousand pounds on Sand, carloads, from Gowanda, N. Y., to Olean, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. A-588, effective November 3, 1916.

No. 6267; October 30, 1916; Marcellus and Otisco Lake Railway Company:

Ordered: That under its application of date October 30, 1916, the Marcellus and Otisco Lake Railway Company is hereby authorized to publish and file,

in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on three days' notice and effective within ten days from the date of this permission, a local and proportional freight tariff of Freight N. O. S., and commodity rates, said tariff to cancel its tariff P. S. C., 2 N. Y., No. 26, and to reissue matter contained except as to the rate shown in first paragraph under caption "Proportional Rates" on page three, making same read twenty-two cents per ton of two thousand pounds.

Completed by P. S. C. No. 27, effective November 3, 1916.

No. 6268; October 30, 1916; Albany Southern Railroad Company:

Ordered: That under its application of date October 28, 1916, the Albany Southern Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on one day's notice and effective not earlier than November 1, 1916, a supplement to its joint passenger tariff P. S. C., 2 N. Y., No. 128, to expire with close of navigation for season 1916, and therein establish the reduced fares for one-way and round-trip tickets from points on its line via Hudson, N. Y., and the Catskill and New York Steamboat Company to New York city, as set forth in application and which is hereby made part of this permission.

Completed by supplement No. 1 to P. S. C. No. 128, effective November 1, 1916.

No. E-77; October 7, 1916; F. G. Airy, Agent:

Ordered: That under his application of date October 6, 1916, F. G. Airy, duly authorized agent for various express companies, is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a supplement to his P. S. C., 2 N. Y., No. 91, said supplement to establish rate of fifty cents per hundred pounds on Celery and Lettuce between Avon, N. Y., and Buffalo, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. 91, effective October 20, 1916.

No. El-18; October 18, 1916; Corning Light and Power Corporation:

Ordered: That under its application of date October 16, 1916, the Corning Light and Power Corporation is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of October 18, 1916, an amendment to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, said amendment to be issued as First Revised Leaf No. 8, Service Classification No. 3, and eliminate the following regulation: "In consideration of the above special rate the consumer agrees not to operate his equipment during the winter months between the hours of 4:30 and 6:30 p. m., and in addition guarantees a monthly consumption of 350 kilowatt hours."

Completed by schedule effective October 18, 1916.

No. T&T. 116; October 19, 1916; New York Telephone Company:

Ordered: That under its application of date October 18, 1916, the New York Telephone Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, revised sheets to its joint and local toll tariffs P. S. C., N. Y., Nos. N78-K and N78-P, and establish the following rates to apply in either direction between South Onondaga and Syracuse:

Calls	3-Minute rates from	
	Subscriber Stations	Public 'Phones
Particular person	10 cents	10 cents
Two-number	5 cents	10 cents

This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by schedules effective October 21, 1916.

[Case No. 5473]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SCHENECTADY RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$420,000 first mortgage 5 per cent series A bonds under an existing mortgage.

Petition filed March 18, 1916; reports of division of capitalization dated April 1 and October 30, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Schenectady Railway Company is hereby authorized to issue \$420,000 face value of its 5 per cent 30-year first mortgage gold bonds, series A, under a certain indenture dated March 1, 1916, given to the United States Mortgage and Trust Company as trustee, to secure an authorized issue of a total face value of \$20,000,000.

2. That said bonds of the total face value of \$420,000 shall be sold for not less than 97½ per cent of their face value and accrued interest to give net proceeds of \$409,500.

3. That said bonds of the face value of \$420,000 so authorized, or the proceeds thereof to the amount of \$409,500, shall be used solely and exclusively for the discharge of bills payable outstanding at March 31, 1916, as detailed in an exhibit attached to the petition herein, or the renewals thereof \$410,000: amount unprovided for \$500.

4. That if the said bonds of a total face value of \$420,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$410,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without an express order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Schenectady Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Schenectady Railway Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for the purpose specified herein during such period of the proceeds of the bonds herein authorized. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is

reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No 5743]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ADDISON AUTO-BUS COMPANY, INC., for authority to issue \$5000 common capital stock.

Petition filed October 13, 1916; certificate of incorporation filed October 19, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Addison Auto-Bus Company, Inc., is hereby authorized to issue \$5000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$5000.

2. That said stock of the par value of \$5000 so authorized, or the proceeds thereof to the amount of \$5000, shall be used solely and exclusively in part payment for the purchase of the following equipment: 2 White Motor Co. passenger busses; 1 3-ton White Motor Co. freight truck; 1 7-passenger Chalmers touring car.

3. That the Addison Auto-Bus Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or disposed of during such period; (b) the date of such sale or disposition; (c) to whom such sales were made; (d) what proceeds were realized from such sale; (e) in detail the amount expended for the purpose specified herein during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central Railroad in said city.

Ordered: That a first intermediate accounting and settlement of expenses incurred by The New York Central Railroad Company and the City of Ogdensburg on account of work now in the course of progress under order of this Commission in the above entitled matter be entered into by the interested parties, said accounting to include expenditures to November 1, 1916.

[Case No. 5009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CHAMBER OF COMMERCE OF THE CITY OF NEWBURGH *against* THE NEW YORK CENTRAL RAILROAD COMPANY, refusal to make a switching charge from the West Shore railroad to spur at West Newburgh.

The Erie Railroad Company having filed a petition in this matter praying for a rehearing and that the order of the Commission herein dated October 11, 1916, may be vacated, and this Commission having considered the reasons given and concluded that there should not be a rehearing and that said order should not be vacated, it is

Ordered: That the said application for rehearing and vacation of order of October 11, 1916, is hereby denied.

832 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5291]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of WILLIAM JAGELS of Stuyvesant, Columbia county, N. Y., *against* VALATIE TELEPHONE COMPANY, alleging too many subscribers on the line used by him.

This complaint being directed against a telephone company which had heretofore claimed exemption from the jurisdiction of this Commission, a preliminary hearing was held at Albany on February 8, 1916. At this hearing, from the evidence there obtainable, it was assumed that the Commission had jurisdiction over this company, and an engineer of the Commission was assigned to make an inventory and appraisal of the company's property. The question of jurisdiction having been affirmed, a further inspection was made relative to the matters complained of, and recommendations for certain improvements were served upon the respondent. These recommendations have been complied with so far as possible at the present time, and work is under way to complete the changes recommended. Further, upon inquiry, the complainant has stated that he will close the case for the present at least. It appearing, therefore, that further relief, if any is desired by the complainant, may properly be taken up through informal correspondence and subsequent routine inspections, it is

Ordered: That this case be and is hereby closed upon the records of this Commission.

[Case No. 5411]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CITY OF LOCKPORT *against* INTERNATIONAL RAILWAY COMPANY, asking that the company operate passenger cars in both directions on Gooding and Grand streets in said city.

On the 31st day of January, 1916, the City of Lockport, by Mr. Roy H. Ernest, its corporation counsel, filed with the Commission a complaint against the International Railway Company, alleging that the passenger service of the respondent on Gooding and Grand streets in said city is inadequate, insufficient, and inconvenient; that appended to said complaint is the franchise granted by said city to the respondent; and it is claimed that the respondent is violating the provisions of subdivision 5 of said franchise by failing to run passenger cars on said streets in both directions every half hour; and that section 5 of said franchise reads as follows:

5th: Passenger cars shall be operated over all the lines of said company within the city of Lockport at intervals of not more than thirty minutes during the hours from 8 a. m. to 8 p. m., and shall at all times run to the end of such lines.

Several hearings have been held in this case in the city of Lockport, at which hearings Mr. Roy H. Ernest, corporation counsel of the City of Lockport,

appeared for complainant; Hon. John R. Earle, mayor of the City of Lockport, Alderman John M. Hoenig, original complainant, and Alderman John J. Burt appeared for the complainant; Mr. William A. Williams, president, and Hon. Charles Hickey, attorney, appeared for the Lockport Board of Commerce; and Messrs. Gohn, Chormann and Franchot, attorneys, and Alan S. Henry, superintendent of transportation, appeared for the respondent. At the outset, it was conceded by all parties that the passenger car service of the respondent on said streets in a northerly direction was all that was requested, they being run every thirty minutes; but that the only southerly service on said streets was by an Olcott Beach car which came to the junction of Mill and Gooding streets hourly, and from that point run over Gooding and Grand streets to the International Railway station, located in the westerly part of the business section of the city of Lockport; it was suggested by some of the parties present that the Olcott Beach car, in order to take its passengers to the business center of the city, should be routed from such junction over Mill, Market, and Main streets, and thence to said station; this was agreed to by the representatives of the International Railway Company after the Board of Commerce, the corporation counsel, the mayor, and the original complainant in this case had requested it, on condition that one of the northbound cars on Gooding and Grand streets should turn at the junction and come back to said station over Gooding and Grand streets instead of making the loop over Mill, Market, and Main streets, which was the former route; it was agreed by all the parties that such schedule should be put into operation over said Gooding and Grand streets in place of said Olcott Beach car, and that this case proceed to a hearing on the question as to whether or not there is adequate passenger car service over the line running through Gooding and Grand streets.

Considerable proof was taken on this question, and it satisfactorily appears therefrom that people taking a car at or near said junction, and going in either direction, would reach said International Railway station or the business section of the city at about the same time; so that on the question of adequate service the case resolved itself into an inquiry as to the convenience and necessity of the people living on Gooding street some distance from the junction; the proof shows that the schedule now in operation is one car every half hour going north over the entire line through Gooding and Grand streets to said junction, from which point one of said cars goes around the loop through Mill and Market streets to Main street, and the other turns about at the junction and runs back over Gooding and Grand streets to a point at or near the International station, and thence easterly on Main street through the business portion of said city, and this last mentioned car is the only southerly service on Gooding and Grand streets, and runs every hour. The complainant has shown that there are several people living in that locality who work in Buffalo and find it inconvenient to get to the International station by the present southerly car service, and that others prefer to ride to the business part of the city without going by way of the junction and over the route of Mill, Market, and Main streets. The respondent introduced proof of the number of passengers carried southerly on the Gooding and Grand route for sixteen consecutive days in July, 1916, and showed the income therefrom, together with the actual car-hour expense of operation. From this proof, which the complainant conceded to be correct, it appears that the total number of passengers carried was 206; that trips were made every hour between 6:58 a. m. and 11:58 p. m.; and that the average daily income for all these trips was less than sixty-five cents; such trips occupied three car-hours, which cost the respondent about one dollar and forty cents each for actual operating expense alone; a like showing was made for the first ten days of July, 1916; and from all such proof, it satisfactorily appears to the Commission that the respondent is now furnishing adequate facilities for all the passenger traffic on said line. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed.

834 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5719]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,

FRANK IRVINE,

JAMES O. CARR,

Commissioners.

In the matter of the Petition of PEOPLES GAS AND ELECTRIC COMPANY OF OSWEGO under section 68, Public Service Commissions Law, for permission to construct in the town of Sterling, Cayuga county, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of a franchise therefor received from said town.

The Peoples Gas and Electric Company asks permission to construct an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing electricity in the town of Sterling, Cayuga county, and for approval of the exercise of a franchise therefor granted September 2, 1916, by the town board and superintendent of highways of said town. The petitioner is now furnishing gas and electricity in the city of Oswego, and electricity in the towns of Oswego and Scriba, Oswego county. The town of Sterling, Cayuga county, adjoins the town of Oswego, Oswego county. At a public hearing held in the city of Oswego October 20, 1916, George N. Burt appeared as attorney for petitioner, and Roy F. Whitney as treasurer and manager. No one appeared in opposition, nor have any objections been filed against the granting of the application. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Peoples Gas and Electric Company of Oswego, under section 68 of the Public Service Commissions Law, to erect poles and string wires in, on, over, through, and along the streets, roads, highways, avenues, lanes, parks, and alleys of said town of Sterling for the purposes of furnishing light, heat, and power by electricity for public and private use in said town, and for the purpose of lighting the public and private buildings in said town, and the streets, roads, highways, avenues, lanes, parks, and alleys, and other public and private places in said town.

2. That the permission and approval of the Commission be given to said Peoples Gas and Electric Company of Oswego to exercise the rights and privileges conferred by said franchise granted by the town board and superintendent of highways of said Town of Sterling September 2, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5720]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of PEOPLES GAS AND ELECTRIC COMPANY OF OSWEGO under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Fair Haven, Cayuga county, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of a franchise therefor received from said town.

The Peoples Gas and Electric Company asks permission to construct an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing electricity in the incorporated village of Fair Haven, Cayuga county and for approval of the exercise of a franchise therefor granted August 29, 1916, by the trustees of said Village of Fair Haven. The petitioner is now furnishing gas and electricity in the city of Oswego, and electricity in the towns of Oswego and Scriba, Oswego county. The town of Sterling, Cayuga county, in which the village of Fair Haven is located, adjoins the town of Oswego, Oswego county. At a public hearing held in the city of Oswego October 20, 1916, George N. Burt appeared as attorney for petitioner, and Roy F. Whitney as treasurer and manager. No one appeared in opposition, nor have any objections been filed against the granting of the application. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Peoples Gas and Electric Company of Oswego, under section 68 of the Public Service Commissions Law, to erect poles and string wires in, on, over, through, and along the streets, roads, highways, avenues, lanes, parks, and alleys of said village of Fair Haven for the purpose of furnishing light, heat, and power by electricity for public and private use in said village, and for the purpose of lighting the public and private buildings in said village, and the streets, roads, highways, avenues, lanes, parks, and alleys, and other public and private places in said village.

2. That the permission and approval of the Commission be given to said Peoples Gas and Electric Company of Oswego to exercise the rights and privileges conferred by said franchise granted by the trustees of said Village of Fair Haven August 29, 1916, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

836 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5726]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF NEWBURGH *against* AMERICAN EXPRESS COMPANY, ADAMS EXPRESS COMPANY, and WELLS FARGO AND COMPANY EXPRESS, asking for free delivery of express matter in or near the city of Newburgh west of Wisner avenue.

The above named companies answered in this matter that the free delivery service would be extended to territory set forth in the answers, and representative of complainants to whom was sent copies of the answers having notified the Commission that complainants are satisfied with the extensions to be thus made, it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 5728]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF BUFFALO residing on or carrying on business in the vicinity of Broadway between Spring and Herman streets in said city *against* INTERNATIONAL RAILWAY COMPANY as to noise made by cars in said locality.

In this matter, the company having answered that its tracks on Broadway, between Spring and Herman streets, in the city of Buffalo, would be renewed this year if practicable, and if not practicable to renew them this year that they will be maintained in good condition until renewed next year, and one of complainants having informed the Commission that "to me, and as far as I know to the other complainants, the statements of the said company as expressed in the copy of their letter to you of the 17th inst. are entirely satisfactory if adhered to," it is

Ordered: That this case is hereby closed upon the records of the Commission as satisfied, subject to reopening if further complaint should be received.

[Case No. 5772]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the UNITED TRACTION COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

It appearing that there has been filed with the Public Service Commission, Second District, a passenger tariff containing schedules stating new individual fares and charges, and regulations and practices affecting such fares and charges, to become effective November 25, 1916, designated as follows: United Traction Company local tariff of passenger fares, P. S. C., 2 N. Y., No. 10; it is

Ordered: That this Commission, upon its own motion, shall, without formal pleading, enter upon a hearing concerning the propriety of the new individual fares and charges, and regulations and practices stated in the schedules contained in said tariff, viz., United Traction Company local tariff of passenger fares P. S. C., 2 N. Y., No. 10.

It further appearing that said schedules make certain increases in fares or charges for the transportation of passengers, and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the schedules above specified, contained in said tariff, should be postponed pending said hearing and decision thereon; it is further

Ordered: That the operation of the tariff containing the schedules above specified be and it is hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and it is hereby deferred until the 25th day of January, 1917, unless otherwise ordered by the Commission; and it is further

Ordered: That a copy of this order be filed with said tariff in the office of the Public Service Commission, Second District, and that copy hereof be forthwith served upon the United Traction Company, and that said United Traction Company be and it is hereby made respondent to this proceeding, and that it be duly notified of the time and place of hearing hereafter to be fixed herein; and it is further

Ordered: That upon receipt of this order by the said respondent it shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff is under suspension and that the schedules contained may not be applied or charged until further notice, or until January 25, 1917. Such tariff amendment shall also refer by proper P. S. C., 2 N. Y., number to the tariff in which fares and charges and regulations and practices affecting the fares and charges during the period of suspension may be found. The title page of such tariff amendment shall show date of issue, and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 8, 1916, in case No. 5772".

838 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5786]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1916.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the HUDSON VALLEY RAILWAY COMPANY for permission to be relieved of further maintaining and operating derail switches in its tracks at a point where such tracks cross at grade the tracks of The Delaware and Hudson Company on Broadway, in the village of Fort Edward.

In the above entitled matter, the petition of the Hudson Valley Railway Company is accompanied by a sketch showing location of the electric and steam tracks, and a profile of the electric track at and approaching the crossing on either side. The electric railroad inspector of this Commission has made a report on the subject of the maintenance and operation of the derails in question. It appears that the derails in the Hudson Valley Railway Company's tracks on either side of the crossing of The Delaware and Hudson Company's tracks at the point mentioned were installed in compliance with a recommendation of the previous Board of Railroad Commissioners of the State of New York, and that at the time such recommendation was made the tracks of the Hudson Valley Railway Company were practically level on either side of said crossing. Since the installation of the derails changes have been made in grade of the Hudson Valley Railway Company's tracks, resulting in an ascending grade to the crossing on either side of it. The petition of the company and the attached profile set forth that the tracks of the Hudson Valley Railway Company on the approach to the grade crossing of The Delaware and Hudson Company tracks and on either side of it are on a 5 per cent ascending grade, and the report of the electric railroad inspector is to the effect that under present physical conditions, safety of operation does not require the maintenance and operation of the derails in the Hudson Valley Railway Company's tracks. Therefore it is

Ordered: That the application of the Hudson Valley Railway Company for permission to discontinue the maintenance and operation of the aforesaid derails be and the same hereby is granted.

[Case No. 2891]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of what is known as the Floyd Road grade crossing of the tracks of the Utica and Black River railroad, 2.73 miles north of Marcy station.

Ordered: That for the reasons set forth in the Opinion herein under date of November 8, 1916, the application is denied and this case is closed upon the records of this Commission.

[Case No. 5009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of the CHAMBER OF COMMERCE OF NEWBURGH *against* ERIE RAILROAD COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY as to refusal to make joint rates covering an industrial siding.

The order made by this Commission on October 11, 1916, fixing certain switching charges on the Erie railroad in the city of Newburgh, N. Y., contained a provision to the effect that said corporation should notify the Commission within ten days from the service of the order if the terms thereof were accepted and would be obeyed. Thereafter, said corporation notified the Commission that it did not intend to accept the provisions of the order; and it filed an application for a rehearing in this case on or about October 31, 1916. The corporation has not filed its tariff as provided in paragraph 1 of the order, having been advised by its counsel that this would probably not be necessary in view of the notification to the Commission that the terms of the order would not be accepted. Counsel for the respondent has requested a suspension of that particular provision of the order pending the time it makes application to the court for a writ of certiorari to review the determination of the Commission, stating that such application will be made forthwith. Under the circumstances, the Commission is of the opinion that it can properly grant the stay as requested, and it is therefore

Ordered: That the provisions of ordering clause 1 of the order of this Commission dated October 11, 1916, be and the same hereby are suspended until December 1, 1916.

[Case No. 5080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of the NORTHERN ADIRONDACK POWER COMPANY *against* J. & J. ROGERS COMPANY as to alleged unlawful operation of an electric plant.

Upon the facts found and for the reasons stated in the accompanying Opinion, it is

Ordered: That the case be closed upon the records of the Commission, with leave however to reopen if it be shown that action by the Commission has become advisable.

S40 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3507]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD AND TOWN SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF BARTON, Tioga county, under section 90 of the Railroad Law for a determination as to the manner in which a new highway shall cross the tracks of The Lehigh Valley Rail Way Company (leased to and operated by the Lehigh Valley Railroad Company).

It appears from the petition dated March 30, 1916, herein, that the Town of Barton proposes to lay out a new highway on a continuation of Broad street in the city of Waverly, and has come to this Commission for a determination as to the manner in which said highway shall cross the Lehigh Valley railway. At the hearing upon said petition held in the city of Albany on May 17, 1916, Messrs. Frank A. Bell and Edgar D. Sebring of Waverly, N. Y., counsel for the municipal corporation, appeared and filed due proof of publication of the notice of the hearing and of the personal service of such notices upon all of the interested property owners. Further appearances at this hearing were as follows: Frank L. Howard, supervisor of the Town of Barton; William O. Lay, superintendent of highways for the County of Tioga; Cobb, Cobb, McAllister, Feinberg & Heath, by A. W. Feinberg, for the Lehigh Valley Railroad Company; and Lyster G. Bayley, first assistant engineer of the State Commission of Highways. The applicant also filed a plan showing a proposed overgrade crossing, marked "Applicant's Ex. No. 5," hereinafter particularly designated and referred to by title; also a statement of the estimated expense of such construction, which everything included totals the sum of \$33,000. The railroad corporation did not oppose the construction proposed by the municipal corporation as shown on said plan, exhibit No. 5, nor did any interested property owner appear in opposition. All parties to this proceeding having agreed that the only feasible way of extending this highway is to carry it over the grade of the railroad, the Commission is unanimously of the opinion that the express request of the petitioners herein for an overgrade crossing should be granted; and therefore it is

Ordered: That the new highway laid out in the town of Barton, Tioga county, upon a continuation of Broad street in the village of Waverly, shall cross the Lehigh Valley railway (leased to and operated by the Lehigh Valley Railroad Company) over the grade of said railway. The structure by which the crossing is to be made is to conform to the following general specifications:

(a) The center line of the overgrade crossing and its approaches shall coincide substantially with the extended center line of Broad street as it exists at the present time in the village of Waverly.

(b) The structure crossing the railroad shall be a riveted through truss steel bridge, placed on a level grade and to such height as to provide a clearance of at least 22 feet 6 inches measured from the base of the rail, the span length being approximately 118 feet.

(c) The westerly approach shall descend from this crossing structure at the rate of 6 per cent a distance of about 110 feet; thence continuing to descend at the rate of 4 per cent on a new steel deck bridge in three spans about 225 feet long over Cayuta creek; thence continuing to descend at the rate of 6 per cent to an intersection with the surface of the ground as it exists. The easterly approach to the overgrade crossing shall descend from the main

span over the railroad at the rate of 6 per cent likewise to an intersection with the existing ground surface.

(d) Provision shall be made for the rapid and complete drainage of the roadway on the bridge over the railroad, and the level grade thereon is to connect with the 6 per cent approach grades by means of vertical curves each not less than 40 feet long.

(e) The bridges over the creek and railroad shall carry solid concrete floors, upon which there is to be an asphalt wearing surface for the full width between curbs. The easterly approach to the overgrade crossing, that part of the westerly approach lying between the overgrade crossing and the creek bridge, and that part of the westerly approach lying to the west of the creek bridge, shall be formed of earth embankments, said embankments to be constructed to a width of not less than 25 feet between edges of slopes.

(f) The pavement on the earth embankments shall consist of a good quality of gravel laid to a width of 16 feet, properly dressed to crown and thoroughly compacted.

(g) Iron railings shall be provided on bridges, and timber railings corresponding in design to the standards of the State Commission of Highways are to be constructed on embankments.

(h) The width between curbs on all structures shall be not less than 20 feet, which shall also be the width between insides of guard-rails on the embankment portions of the approaches.

The entire construction as herein contemplated shall conform with a general plan on file with this Commission, heretofore referred to as "Exhibit No. 5," entitled "Map and Plan of Proposed Extension of Broad Street, Waverly, N. Y. Dated May 10, 1916. Revised May 17, 1916."

And furthermore, there having arisen a question whether the entire cost of the proposed bridge across Cayuta creek and the necessary fill in connection therewith, as indicated upon the plans aforesaid, is to be considered as part of the expense of making the proposed crossing above the grade of the railroad, the parties hereto having submitted such question to this Commission for its determination, and oral argument thereon having been made by counsel for the municipal corporation and for the railroad company respectively, it is hereby determined and ordered that the cost of construction of so much of the aforesaid bridge over Cayuta creek, and of the incidental fill both to the east and to the west of the stream and on the island between the two branches, as would be necessary to bring the new highway to the railroad right of way if the latter were to be crossed at grade, must be borne and paid for alone by the petitioning municipality; but that the cost of such additional fill and of such elevation of the bridge structure as are necessary by reason of the graded approach to the overhead crossing proper, as shown by said map filed herein, shall be deemed a part of the expense of making the crossing above the grade of the railroad and charged against the parties equally, according to the statute in such case made and provided.

[Case No. 5613]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of C. H. COWARD & COMPANY of Darien, Genesee county, against ERIE RAILROAD COMPANY as to a siding.

This complaint was the result of a disagreement between the complainant and the respondent as to the terms upon which a sidetrack used by the

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respondent should be moved to a slightly different location. Negotiations were continued between the parties after the filing of the complaint, and complainant now informs the Commission that a contract has been executed by both parties covering the subject matter. It is therefore

Ordered: That the case be and the same hereby is closed upon the records of the Commission.

[Case No. 5692]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of the J. & J. ROGERS COMPANY and AUSABLE ELECTRIC LIGHT AND POWER COMPANY under section 70, Public Service Commissions Law, for consent to the transfer by sale of franchise, works, and system of an electric plant in the town of Jay, Essex county, from the first named company to the second named company; and under section 68 as to exercise of the franchise by the Ausable Company.

Upon the facts found and for the reasons stated in the accompanying Opinion, it is

Ordered: That the petition be and the same hereby is denied.

[Case No. 5753]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of complaints as to proposed suspension of operation of the Wellsville and Buffalo Railroad.

Several informal complaints having been presented to the Commission against the proposed discontinuance of operation of the Wellsville and Buffalo Railroad Corporation, the officers of said corporation were summoned to appear before the Commission, and hearings were held October 27 and November 15, 1916. It appearing that, in spite of diligent efforts by the corporation to secure business, it was found impossible to obtain sufficient traffic to pay operating expenses; that the said railroad has been operated at a large loss and that such loss will persist with continued operation; that shippers now have had reasonable notice of a proposed discontinuance of operation, and that an action is pending in the Supreme Court for a dissolution of the corporation, it is

Ordered: That the complaints be and the same hereby are dismissed.

[Case No. 5760]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of C. W. VALENTINE AND OTHERS of Watertown, Jefferson county, *against* GEORGE N. WILSON, an electrical corporation, of Henderson and Henderson Harbor, Jefferson county, for failure to furnish reasonable service.

Vacating order to show cause.

In this matter, and by order dated October 31, 1916, George N. Wilson is required to show cause before the Commission at its office in Albany on the 20th inst., why he should not be required to make the repairs and improvements set forth in this Commission's letter to him dated September 25, 1916; he informs the Commission by letter dated November 5th that he has transferred the plant to a copartnership known as Lake Shore Electric Company, which will furnish current from another plant, in respect to which transfer petition must be made to this Commission under section 70, Public Service Commissions Law; C. W. Valentine, one of the complainants, informs the Commission "I believe that this arrangement is going to end the complaints from the Henderson power users, as Mr. Steele will furnish current supplied from the Northern New York Utilities, Inc., thus making reasonably sure dependable service"; the Commission has heard from no other complainants who had notice of the order to show cause; under these circumstances it is

Ordered: That the order of this Commission of October 31, 1916, to George N. Wilson to show cause in the above entitled matter, is hereby vacated.

[Case No. 5771]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the directors of the GLENFIELD AND WESTERN RAILROAD COMPANY under section 85 of the Railroad Law for permission to cease operation of said company's railroad during the coming winter season.

An application of the Glenfield and Western Railroad Company dated November 4, 1916, for permission to cease operation of its railroad between Glenfield, on the New York Central railroad, and Monteola, Lewis county, from November 20, 1916, to May 1, 1917, was filed with this Commission on November 8, 1916. The principal business of this railroad is the transportation of lumber and the employees of the companies producing the lumber, which business does not exist during the period mentioned in the application. For a number of years past this Commission has permitted this company to discontinue operation during the winter months, on compliance with section 85 of the Railroad Law, it appearing that the public interest would not suffer

thereby, but the present application was not made and received in time to permit the required four weeks' public notice before the desired date of cessation of operation. Now therefore

Ordered: That under section 85 of the Railroad Law permission be and hereby is given to the Glenfield and Western Railroad Company to cease the operation of its railroad from and after December 18, 1916, to April 30, 1917, both inclusive.

Further Ordered: That a certified copy of this order shall be posted in all depots and at the termini of said railroad, and published in every newspaper in each town in any part of which said railroad is constructed, at least four weeks prior to the date of said cessation; and that proof of such posting and publication shall be filed with this Commission by said railroad corporation.

[Case No. 2716]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the ORANGE AND Supplemental
ROCKLAND ELECTRIC COMPANY to acquire stock of order.
Warwick Valley Light and Power Company.

By order herein dated February 28, 1912, the Orange and Rockland Electric Company was authorized among other things to issue \$37,000 face value of not to exceed 6 per cent promissory notes, and \$50,000 face value of 5 per cent first and refunding mortgage bonds, and was permitted to pledge such bonds as collateral security for the payment of the \$37,000 of notes. Subsequently, the company was authorized to issue bonds and use the proceeds to take up such notes. Upon the redemption of such notes the company, in a supplemental petition filed in case No. 3462 on June 17, 1916, asked for permission to use the bonds as collateral security for any subsequent pledging which it might desire to make. Upon being advised that the Commission, to authorize the use of mortgage bonds as collateral to a note, desired to know full particulars of such use of the bonds and also of the note proceeds, and upon being advised that the Commission would give consideration to any application for such definite use, the company on November 14, 1916, withdrew its application for such blanket authorization. Now therefore, upon the foregoing record,

Ordered: That this proceeding is hereby closed upon the records of the Commission in so far as it relates to the supplemental application of the company filed in case No. 3462 under date of June 17, 1916, which asks for permission to pledge \$50,000 face value of 5 per cent first and refunding mortgage bonds as collateral security for any note which it might hereafter make.

[Case No. 2770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Application under section 91 of the Railroad Law by the PRESIDENT AND TRUSTEES OF THE VILLAGE OF WALDEN, asking for the elimination of a grade crossing of the Wallkill Valley railroad by a highway known as Orange avenue, the crossing being known as Embler's, in the village of Walden.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the Village of Walden, showing expenditures to the amount of \$330.40 properly and necessarily incurred in carrying out the Commission's order of April 27, 1916, in the above entitled matter, be and it is hereby approved; the total amount of \$330.40 having been expended by the village; said accounting having been accepted by the railroad corporations as indicated by the signature of its treasurer, and accepted by the Village of Walden as indicated by the signatures of the village president, village clerk, and village treasurer.

2. That of the total amount of \$330.40 thus expended and herein accounted for, the shares of and the amounts chargeable to The New York Central Railroad Company and the State of New York as specified in said order of April 27, 1916, are, respectively, \$150 and \$75, and the share of the Village of Walden is the sum of \$105.40. The State of New York having incurred no expenditures, there is now due and payable by said State of New York to the Village of Walden, from funds appropriated for the elimination of grade crossings, the sum of \$75.

[Case No. 4270]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the FEDERAL TELEPHONE & TELEGRAPH COMPANY under section 101 of the Public Service Commissions Law for authority to issue preferred capital stock to the amount of \$411,000 to reimburse its treasury for expenditures.

First
supplemental
order.

Petition filed April 29, 1914; preliminary report of division of capitalization dated May 12, 1914; hearing held May 19, 1914; report of division of capitalization dated June 8, 1914; order entered June 9, 1914; stipulation filed June 24, 1914; report of division of capitalization dated April 9, 1915; inventory and appraisal filed May 3, 1915; reports of telephone engineer dated May 8 and June 9, 1915; amendatory application filed April 18, 1916; hearing held October 31, 1916 (testimony filed in case No. 3731); all papers filed in cases Nos. 3731 and 4153. In connection with its application herein

dated April 29, 1914, for permission to issue securities, the Federal Telephone & Telegraph Company stipulated under date of June 9, 1916, with this Commission, as set forth in the order of that date herein, that it would prepare an inventory and cost appraisal of its property as of January 1, 1914, and submit the same for the approval of the Commission at a date not later than December 31, 1914. It has, since the filing of this stipulation, applied for and received from the Commission extensions of time in which to complete and file its inventory and appraisal; and by application filed April 18, 1916, it asked that it may be permitted to modify the aforesaid stipulation by changing the date as of which the inventory and appraisal should be made from January 1, 1914, to December 31, 1915, and that it be allowed until not later than May 1, 1917, to file such inventory and appraisal for the approval of the Commission. At the hearing held in this matter on the 31st day of October, 1916, the chief engineer of the petitioner reported as to the progress which has been made in complying with the aforesaid stipulation. There was also considered at that time the recommendations including adjustments in the petitioner's accounts contained in the report of the examination by the representatives of the Commission of the capital transactions of the petitioner during the period from January 1, 1914, to March 31, 1915, which examination was had in connection with recent applications filed in the cases recited above for authority to issue securities. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the report of the division of capitalization in this proceeding dated August 13, 1915, as amended by report dated October 13, 1916, which on August 13, 1915, and November 11, 1916, respectively, were sent to the corporation, such entries being numbered IV to XI inclusive, and XV to XVIII inclusive, of the former, and 1, 2, 3, 12, 13, 14, and 19 of the latter, shall be entered upon the books of the Federal Telephone & Telegraph Company, and that within thirty days from the service of this order verified proof shall be submitted to this Commission that such entries have been made, it being the intention of this ordering clause to permit the company to charge to the account "Reserve for Renewals and Replacements" the sums which are so chargeable according to the entries herein required to be made.

2. That the Federal Telephone & Telegraph Company is hereby permitted to charge to the account "Reserve for Renewals and Replacements" the amount of \$1000, representing that portion of a bill for legal services rendered prior to December 31, 1913, the liability for which services had not been recorded upon the books of the corporation at that date.

3. That the Commission agrees to a modification of the company's stipulation herein so that the date as of which the inventory and cost appraisal of the property of the petitioner is to be taken is changed to December 31, 1915, and the time for filing said inventory and appraisal is extended to May 1, 1917, provided that in all respects other than just indicated the stipulation recited in the preamble of the order herein dated June 9, 1914, and filed on June 22, 1914, shall remain unchanged.

[Case No. 4982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 91 of the Railroad Law for the discontinuance of the Riverhead Road and Main Country Road highway grade crossings of said railroad in the town of Southampton, Suffolk county, and the construction of new pieces of highway and one new crossing at grade.

Reference is made to the general order of this Commission under date of July 17, 1915, in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled under date of June 6, 1916, as modified by its order therein under date of June 26th last, determined and directed that certain then existing grade crossings of the Long Island railroad in the town of Southampton, Suffolk county, by the Main Country road and the Riverhead road, respectively, shall be closed and discontinued, and highway traffic be diverted therefrom by means of the construction of new highways as therein provided for; and incidental to such determination, the Commission having made its other order under date of June 6th last providing that from the funds theretofore appropriated by the legislature to meet the share of the State in the cost of elimination of grade crossings and not at that time expended or segregated by this Commission, there should then be segregated and set apart to the credit of grade crossing case No. 4982 above entitled the sum of four hundred (400) dollars to meet the State's share of the cost of the elimination in said case; and the completed work under said first mentioned order of the Commission, as modified as aforesaid, having been approved by the Commission under its order of August 23, 1916; and it now appearing that The Long Island Railroad Company has advised this Commission that said railroad corporation makes no charge against the State for any expenses incurred by it under said elimination orders, and the Town of Southampton having duly certified in writing that said town will make no charge against either the State of New York or the railroad corporation for any expense incurred by said town on account of said grade crossings elimination; and it further appearing that the land for the new roads which it was assumed would necessarily be purchased as an incident to said elimination was actually donated by the owner thereof in consideration of the personal benefit to him of said improvement; because of all of which it appears, and this Commission now determines, that there is and will be no charge against the State of New York on account of the elimination of said grade crossings; it is now

Ordered: That all of the unexpended balance, to wit the sum of four hundred (400) dollars, which remains to the credit of this Commission shall be re-transferred to the general fund appropriated by the legislature for grade crossing purposes.

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[Case No. 5681]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ITHACA GAS AND ELECTRIC CORPORATION under section 70, Public Service Commissions Law, for authority to acquire all of the capital stock of the Homer and Cortland Gas Light Company.

Supplemental
order.

Petition filed August 29, 1916; petition in amended form filed September 12, 1916; hearing held October 18, 1916 (minutes filed in case No. 5699); order entered October 31, 1916; supplemental petition filed November 13, 1916. By order herein dated October 31, 1916, the Ithaca Gas and Electric Corporation was authorized to acquire and hold, in accordance with its amended petition filed on September 12, 1916, 1474 shares, each of the par value of \$100, aggregating a par value of \$147,400, of the common capital stock of the Homer and Cortland Gas Light Company. By supplemental petition herein filed on November 13, 1916, the company states that such application should have asked for permission to acquire ten additional shares of such stock, making an aggregate par value of \$148,400 instead of \$147,400, and prays for an amendment of the aforesaid order of October 31, 1916, to authorize the acquisition of such additional ten shares, each of the par value of \$100, at their par value. Now therefore, upon the foregoing record,

Ordered as follows: 1. That in addition to acquiring and holding 1474 shares, each of the par value of \$100, aggregating a par value of \$147,400, of the common capital stock of the Homer and Cortland Gas Light Company, authorized to be acquired by order herein dated October 31, 1916, the Ithaca Gas and Electric Corporation is hereby authorized to acquire at their par value and hold ten shares, each of the par value of \$100, aggregating in all a par value of \$148,400, of such stock.

2. That the Ithaca Gas and Electric Corporation shall include full particulars of its acquisition of the stock herein authorized to be acquired in its reports required by the order herein dated October 31, 1916.

3. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5747]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of HARRY S. BOHRER against NEW YORK TELEPHONE COMPANY, asking that a public telephone be installed in his restaurant at No. 568 West 23rd street, New York city.

In the above matter the company answered that the telephone asked for had been installed, and that if after a period of six months "the receipts indicate

that the station is required to adequately meet the demands of the general public, the station will be continued"; and the complainant informed the Commission that "in consideration of the New York Telephone Co.'s acceptance of my application for a coin box public telephone, I wish to herewith withdraw my complaint to you". Under these circumstances it is

Ordered: That this case is hereby closed as satisfied, without prejudice to application for its reopening in the future.

[Case No. 5754]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of DESPATCH HEAT, LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the town of Perinton, Monroe county, and in the incorporated village of Fairport, Monroe county, a gas plant, including mains, pipes, and appurtenances, for furnishing gas to the public for light, heat, or power; and for approval of franchises therefor received from municipal authorities.

The Despatch Heat, Light and Power Company seeks permission under section 68 of the Public Service Commissions Law to construct in the town of Perinton, Monroe county, and in the incorporated village of Fairport, Monroe county, a gas plant for furnishing gas to the public, and also for approval of franchises in the same municipalities for that purpose. The franchises are as follows: 1, resolution of the town board of the Town of Perinton passed October 18, 1916; 2, resolution of the village board of the Village of Fairport passed October 2, 1916. At a hearing held in the city of Albany November 16, 1916, Paul Folger appeared for the applicant. There were no other appearances. It is determined and stated that the construction of said plant and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Despatch Heat, Light and Power Company, under section 68 of the Public Service Commissions Law, to lay and maintain gas mains and pipes, manholes, service pipes, and all necessary appurtenances, in, through, and under the streets and public places of the town of Perinton and of the incorporated village of Fairport, Monroe county, for the purpose of conducting and distributing gas for heat, light, and power to said town and village and to the inhabitants thereof.

2. That the permission and approval of the Commission be given to said Despatch Heat, Light and Power Company to exercise the rights and privileges conferred by said franchises granted by the town board of the Town of Perinton October 18, 1916, and by the village board of the Village of Fairport October 2, 1916, copies whereof are on file with the papers in the application.

3. No pipes or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

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[Case No. 5096]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of TROY AUTO CAR COMPANY, INC., for a certificate to operate a bus line in the city of Troy, Rensselaer county, N. Y.

On the facts found and for the reasons stated in the accompanying Opinion, this Commission hereby certifies that public convenience and necessity require the operation by Troy Auto Car Company, Inc., of an auto bus route as provided in the consent granted by the mayor and common council of the City of Troy on the 3rd day of August, 1916, over the following streets in the city of Troy: Beginning at Twenty-fifth street and Fifth avenue, thence south on Fifth avenue to First street; thence south on Sixth avenue to Rensselaer street; thence west on Rensselaer street to Fifth avenue; thence south on Fifth avenue to Congress street; thence west on Congress street to Third street; thence north on Third street to Broadway; thence east on Broadway to Fifth avenue; thence north on Fifth avenue to Jay street; thence east on Jay street to Sixth avenue; thence north on Sixth avenue to First street; thence north on Fifth avenue to Twenty-fifth street. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned and subject to present and future ordinances of the City of Troy, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5516]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the DEPOSIT ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$115,000 common capital stock.

Supplemental
order.

Petition filed April 26, 1916; report of division of capitalization dated June 6, 1916; report of electrical engineer dated July 18, 1916; final report of division of capitalization dated August 31, 1916; order entered September 20, 1916; supplemental petition filed October 7, 1916; report of electrical engineer dated October 13, 1916; report of division of capitalization dated November 18, 1916. By order herein dated September 20, 1916, the Deposit Electric Company was authorized to issue \$115,000 par value of its common capital stock at par and to use the proceeds for the payment of debt and for working capital. Prior to the entry of that order the books, accounts, affairs, and

property generally of the petitioner were examined by the Commission's representatives, and in that order the company was directed to correct its accounts by means of journal entries contained in the final report of the division of capitalization dated August 31, 1916, to adjust them to the facts as determined by the Commission, with the exception however that such entries include a charge of \$50,276.25 to be made to the account "Land devoted to electric operations," which entry the order provided "was not a present determination by the Commission of the amount which is properly includible in that account, and that this case is hereby continued on the records of the Commission until a determination of the cost to the Deposit Electric Company of its property, chargeable to that account, is made and the books of said company made to agree with facts to the satisfaction of the Commission". Under date of October 6, 1916, the company submitted additional information concerning the land transactions under discussion, which information has been reported upon by both the divisions of light, heat, and power, and capitalization, under dates of October 13 and November 18, 1916, respectively. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Deposit Electric Company shall transfer \$47,231.30 to its fixed capital account "Other intangible electric capital," from its fixed capital account "Land devoted to electric operations," in order that the latter account shall represent the investment in property for which such account is provided.

2. That the Deposit Electric Company shall within thirty days of the entry of this order furnish verified proof to the Commission that the adjustment in its accounts required herein has been made.

[Case No. 5615]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the DUFFNEY BRICK COMPANY of Mechanicville, N. Y., and TROY BRICK COMPANY, INC., against BOSTON AND MAINE RAILROAD; THE DELAWARE AND HUDSON COMPANY; THE NEW YORK CENTRAL RAILROAD COMPANY, for itself and as lessee of the West Shore Railroad; FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY, as to freight rates on common building brick.

The Duffney Brick Company, one of the complainants in this case, manufactures and ships common building brick at Mechanicville; the other complainant, the Troy Brick Company, Inc., manufactures and ships common building brick at Lansingburgh. Both yards are on the tracks of the Boston and Maine Railroad and are not reached directly by the other respondents. The complaint is against rates now charged on common building brick shipped from Mechanicville and Lansingburgh to a large number of specified points in the State of New York on the New York Central and Delaware and Hudson railroads. That portion of the complaint which relates also to points on the line of the Fonda, Johnstown and Gloversville railroad has been withdrawn. The complaint alleges that the rates complained of are unreasonable and discriminatory, and prejudicial to complainants. The complaint came on for hearings before this Commission on September 29, 1916, and on subsequent

adjourned dates. The Commission is satisfied, from its consideration of the evidence presented, the geographical reasons, and not the failure of respondents to establish satisfactory rates from Lansingburgh and Mechanicville, are chiefly responsible for the inability of complainants to sell their product in certain of the localities mentioned in the complaint. Competition from brick yards nearer these points would, it may be assumed, effectually prevent brick manufacturers in Lansingburgh and Mechanicville from obtaining, under normal conditions, any material portion of the business of some of these places, under any fair rating system that might be established. It appears, however, that the rate structure of the Boston and Maine Railroad on brick shipments from Mechanicville and Lansingburgh has come into existence gradually and not in pursuance of any systematic or well-considered general plan, and that present rates from Mechanicville and Lansingburgh are in many instances, therefore, irregular and discriminatory to an extent which plainly warrants a change in the existing situation. Incidentally it may be said that the Boston and Maine Railroad does not attempt, in this proceeding, to defend the present rates. The suggestion that Mechanicville and Lansingburgh should be placed on an absolute parity with Troy, so far as through rates on brick shipments are concerned, would not be considered by the Commission to be an unreasonable one if it were not for the fact that shipments from Troy to Delaware and Hudson and New York Central points involve the use of but one railroad, while shipments from Mechanicville and Lansingburgh are so called "two-line" shipments. The Commission believes that it is a sound, and indeed almost axiomatic, principle of scientific ratemaking that a "two-line haul" involving switching movements, and possibly also some slight extra mileage, warrants the payment by shippers of a slightly higher rate than would be charged if the entire movement were over one railroad. This fact, in the opinion of the Commission, justifies the imposition of some extra charge upon brick shipments from Lansingburgh and Mechanicville to Delaware and Hudson and New York Central points beyond what is now charged for similar shipments from Troy. Recognizing the injustice of present rates, but claiming that in whatever new rates are substituted for these there should be a recognition of the "two-line haul" principle, the proposal has been advanced by the carriers in the course of the present proceeding that hereafter the regular Troy rates to Delaware and Hudson and New Central points shall be the Lansingburgh and Mechanicville rates, with the addition however of a charge of twenty cents per ton in recognition of the fact that the movement from these last mentioned points is over two railroads. It is claimed that the charge of twenty cents per ton, which will be divided between the two roads concerned on some basis that will be mutually satisfactory to them, is proper compensation for the extra labor and expense involved.

While it is true that the shippers have sought in the present proceeding to establish entirely new rate schedules on brick shipments from Lansingburgh and Mechanicville to the several New York Central and Delaware and Hudson points mentioned in the complaint, involving wholesale modifications in the regular Troy rates now in force on the New York Central and Delaware and Hudson railroads, it is also true that negotiations have been for some time in progress, even during the pendency of this proceeding, between the shippers and the respondents, based on the extension to Mechanicville and Lansingburgh of the existing Troy rates. The Commission believes that this is a logical and proper method of approaching the question, which through the breakdown of the negotiations between the parties has been presented to it for its decision. It does not feel that an upheaval of the rate situation such as would result if the regular rates on brick shipments from Troy to points on the New York Central and Delaware and Hudson railroads were now to be entirely re-written, would be justified. There has been but slight complaint against these rates heretofore. In the opinion of the Commission, the ends of justice and all reasonable expectations of Lansingburgh and Mechanicville shippers would be met if, instead of the present inequitable rates from these places, the existing New York Central and Delaware and Hudson schedules on brick shipments from Troy shall in the future be applied to similar shipments from Lansingburgh and Mechanicville, plus a reasonable charge in recognition of the fact

that the element of the two-line haul is involved in these last mentioned shipments. Upon the question of the reasonableness of the proposed charge of twenty cents per ton over the present Troy rates, in payment for all extra service involved in the use of two railroads on brick shipments from Lansingburgh and Mechanicville, the Commission is of the opinion, after careful consideration of the evidence and arguments presented, that this would not be an unreasonable charge for such extra service, covering as it would, such extra mileage as might be involved in shipments from Lansingburgh and Mechanicville, and also all switching charges and other extra service growing out of the use of two railroads instead of one in connection with such shipments. It is therefore

Ordered: 1. That in so far as the present complaint is directed against the existing rates on brick on the Delaware and Hudson and New York Central railroads from Troy to points on these roads, it is denied.

2. That the respondents shall within ten days from the date of the entry of this order file new tariffs on brick shipped from Lansingburgh and Mechanicville to points on the New York Central and Delaware and Hudson railroads, which tariffs shall provide that in place of the present rates complained of the existing New York Central and Delaware and Hudson tariffs on brick shipments from Troy to these points shall apply to similar shipments from Lansingburgh and Mechanicville, with an additional charge of twenty cents per ton upon Lansingburgh and Mechanicville shipments, which said extra charge of twenty cents per ton shall cover transportation over any extra mileage which may be involved in shipments from Lansingburgh and Mechanicville and all switching charges and other services rendered in connection with the use of two railroads for such shipments.

3. That upon the acceptance of this order by the respondents this proceeding shall be deemed to be closed, and shall be so marked upon the records of the Commission.

[Case No. 5665]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under section 27 of the Public Service Commissions Law of HARRY JACKSON of Newburgh against ERIE RAILROAD COMPANY, asking for a sidetrack and switch connection for his coal yard.

Complaint having been made to this Commission by one Harry Jackson, a coal merchant of Newburgh, under section 27 of the Public Service Commissions Law, against the Erie Railroad Company, on account of the refusal of the respondent to establish a sidetrack and switch connection for complainant's coal yard in the said city of Newburgh; and the matter having come on for a hearing before this Commission; and the Commission having concluded that complainant's business is sufficient to justify the establishment of suitable sidetrack and switching facilities in connection with his coal yard, and that for the several reasons set forth in the Opinion accompanying this order such facilities should be established, it is hereby

Ordered: 1. That within ten days following the entry of this order a written instrument providing for the construction and maintenance of switch and sidetrack connections for complainant's coal yard, in accordance with the

map or blueprint offered in evidence by respondent in this proceeding and marked as defendant's exhibit No. 1, shall be prepared by respondent and submitted to complainant for signature, and that this agreement shall set forth the terms and conditions upon which the said facilities shall be constructed, paid for, and maintained, as provided in the Opinion of the Commission accompanying this order; and that when this instrument in writing shall have been signed by both parties hereto, respondent shall proceed forthwith to construct the switching and sidetrack facilities therein provided for.

2. That such part of the total estimated cost of constructing said sidetrack and switching facilities as by the Opinion accompanying this order has been determined to be a proper contribution from complainant, shall become due and payable from complainant to respondent in such instalments and at such times as the aforesaid written instrument shall finally provide.

3. That in the event of a failure on the part of the parties hereto to agree upon a form of written instrument covering the manner in which the facilities herein provided for shall be constructed, paid for, and maintained, either party may apply to this Commission, on written notice to the other party, for a further ruling by the Commission upon questions thus remaining at issue between the parties hereto.

4. That pending the completion of the work herein provided for, and as a measure of temporary relief to complainant, the respondent shall resume the practice which was followed for some months prior to the commencement of this proceeding, of stopping cars containing coal destined to complainant's yard on the main switch adjacent to the said yard.

5. That this case be and the same hereby is closed upon the records of the Commission, subject to be reopened from time to time if occasion shall arise in the manner hereinbefore provided.

[Case No. 5707]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of **FREDERICK L. PERINE**
against **THE NEW YORK CENTRAL RAILROAD COMPANY**
as to refusal of respondent to accept as part fare
commutation tickets to and from intermediate points
of commuter's journey.

Complaint having been made by Frederick L. Perine against The New York Central Railroad Company by reason of the respondent's refusal to accept commutation tickets which by their terms are limited to use upon trains running between specified suburban points and New York city, in part payment for transportation for longer distances, upon express trains which do not stop at the stations to and from which said commutation tickets were intended to be used; and the respondent having filed its answer to the said complaint; and the matter having come on for a hearing before this Commission on the 10th day of November, 1916, when complainant and representatives of the respondent were present, and the question at issue was fully presented to the Commission; and the Commission being of the opinion that it is without legal authority, in a proceeding of this character, to order respondent to accept commutation tickets in part payment for other transportation than that which is specifically described in the conditions printed on the back of such tickets,

and also that the effect of such an order, even if the Commission had the requisite authority to make it, might very easily be entirely to disrupt respondent's general passenger rate schedules which are based among other things upon a strict limitation of the use of commutation tickets to the purposes specified in the printed conditions aforesaid; and the Commission also being of the opinion that the question of whether it is desirable that a railroad like respondent shall sell reduced rate tickets which shall be limited in the uses to which they may be put, ought properly be taken up if at all in connection with a general inquiry into respondent's passenger rates and not independently, in a proceeding which does not involve the general question of passenger rates; it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5709]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CAER,
Commissioners.

In the matter of the Complaints of WATER MILL VILLAGE IMPROVEMENT ASSOCIATION OF LONG ISLAND and MR. KNOWLTON DURHAM of New York city against THE LONG ISLAND RAILROAD COMPANY as to condition of certain passenger cars operated.

Complaints having been made by the Water Mill Village Improvement Association of Long Island and others against The Long Island Railroad Company as to the condition of certain passenger cars operated on the Montauk division of the Long Island railroad; and said complaints, covering a wide variety of different matters, having been consolidated for the purpose of a general hearing upon the several questions involved; and a hearing in this consolidated case having been set for November 3, 1916, at the Commission's hearing room in the city of New York; and notice of such hearing having been duly given to the several complainants; and the matter having come on for hearing at the time and place designated in the said notice, and none of the complainants having then appeared in person, the respondent however being represented at said hearing by its attorney and one of its operating officials; and the subject matter of the several complaints having been taken up at this hearing for discussion between the Commission and the representatives of the respondent; and assurances having been given by respondent that in so far as the several complaints relate in any way to the cleanliness of respondent's cars every effort will be made to remove, in the future, all causes for complaint on this ground; and the Commission, after hearing respondent upon the complaints included herein that relate particularly to parlor car service between New York city and Water Mill, being of the opinion that it would not be justified in ordering a lower rate to be charged for such service at this time or a different type of parlor car to be used; and the Commission being also of the opinion that the complaints herein included which relate to the fact that in some of respondent's cars there is but one toilet, should properly be inquired into by the Commission in connection with similar complaints against other roads, to the end that comprehensive action may be taken in regard to this matter if it shall finally be deemed proper to take any action; and that in the meantime this proceeding, which affects the Long Island railroad alone, may properly be closed on the records of the Commission, with the assurance

however that the general question of improved toilet facilities in passenger cars will be carefully inquired into by the Commission at an early date and in a comprehensive manner; it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5712]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ELMER BAKER, Roscoe, N. Y., against DOWNSVILLE TELEPHONE COMPANY as to failure to render proper service.

The show cause order in this case was entered because the respondent had failed to make reply to the Commission to letters addressed to it concerning complaints of unsatisfactory service which had been received from the respondent's subscribers situated in Roscoe, N. Y. In connection with subsequent proceedings, the treasurer of the Downsville Telephone Company has appeared at the offices of the Commission and has shown to the satisfaction of the Counsel to the Commission that the apparent neglect on the part of the Company was due to the resignation of the former president and manager to whom our correspondence had heretofore been directed, but who was no longer an officer of the company. There has further been received from the original complainant a stipulation withdrawing the complaint, together with a statement from the present officers of the company that the causes for complaint have been removed, and the verbal statement of the treasurer that it is the intent of the company to give proper attention to correspondence addressed to it by the Commission; therefore it is

Ordered: That this case be and is hereby closed on the records of this Commission.

[Case No. 5715]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ELIZABETH RILEY against NEW YORK TELEPHONE COMPANY as to charge for semi-public telephone installed at No. 142 West 34th street, New York city.

At premises No. 156 West 35th street, New York city, operated by Elizabeth Riley, the complainant in this case, as a lodging house, are two semi-public telephones for which respondent requires the payment of a guaranteed minimum

of 18 cents per day besides a rental of 75 cents per month for each telephone. At No. 142 West 34th street, New York city, also operated by complainant as a lodging house, is a single semi-public telephone which was installed upon a guarantee of 9 cents a day and a rental of 75 cents per month. The two telephones in the 35th Street premises produce a revenue from their coin boxes in excess of the guarantee, while the instrument in the 34th Street premises produces less than the guarantee. The complaint now before us was, in its original form, that the respondent refused to credit any portion of the excess collections from the 35th Street instruments to the account of the 34th Street instrument, thus requiring complainant to make good upon her guarantee on said last mentioned telephone, which she would not have had to do if the collections on all the instruments were apportioned equally between them. The respondent's answer to the original complaint was that this method of handling the coin-box receipts from the three telephones would be contrary to the rules of the company, and in disregard of the fact that the contract covering the two telephones in the 35th Street house is an entirely separate instrument from that under which the telephone in the 34th Street house was installed.

The case came on for a hearing before the Commission on the 17th day of November, 1916, both parties being present or represented by counsel. In the course of the hearing complainant withdrew her original claim that the three telephones should be regarded as though they had been installed under a single contract because the two houses, though detached from each other, were under a single management. In place of this she substituted a claim that the telephone company should divide evenly with her the profits from the two telephones in the 35th Street house, over and above the guarantee of 18 cents a day and the rental of 75 cents a month. It is upon this claim that she asks a ruling from the Commission. It developed at the hearing in the case that the contracts between complainant and respondent are in the regular form used in connection with what is known as semi-public telephone service in New York city, and that these contracts make no provision for any such division of profits between complainant and respondent as is asked for in the amended complaint herein. It also appeared that the charges made and the amounts collected by respondent from complainant have at all times been in accordance with the standard rates of respondent as set forth in the published tariffs on file with this Commission. The Commission is at present possessed of no information, gathered either from the record of this case or from any other source of information that is now available, which would justify it in holding that the contract provisions respecting semi-public telephones which were accepted by complainant when her instruments were installed are unreasonable, unfair, or improper, or that they should be set aside, abrogated, or nullified by order of this Commission. If and when, as the result of further inquiry into the semi-public telephone situation in New York city, it shall appear to the Commission that the rates now charged therefor are exorbitant, the complainant in this case will benefit equally with all other persons using this kind of service from any orders which the Commission may hereafter make in this connection. Such an inquiry would require, however, for its proper prosecution, a much greater outlay both of time and money than the Commission would be justified in making in connection with this case alone. Neither the facts and circumstances of this case as disclosed at the hearing, nor any general knowledge and information which the Commission now has in relation to semi-public telephones in the city of New York, would warrant the granting of the relief which complainant asks for. Therefore it is hereby

Ordered: That this complaint be and the same hereby is denied, and that the case be closed upon the records of the Commission.

858 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5723]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of November, 1916.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**In the matter of the Complaint of MISS EVANETTA HARR
of Troy against NEW YORK TELEPHONE COMPANY as
to discontinuance of telephone service.**

The complaint in this case was filed on September 1, 1916, the answer on September 18, 1916, and a hearing was held at the office of the Commission in the city of Albany on November 3, 1916, at which time James Farrell appeared for the complainant and Paul H. Burns and W. F. Crowell appeared for the respondent. At the hearing it developed that the matters in dispute between the parties were of a legal nature and that the interpretation of the contract between the complainant and the respondent was involved. The Commissioner before whom the hearing was held stated at that time that the Commission was without power to determine the legal propositions involved, but that if the parties desired it he would in the determination of the case set forth what he considered to be the proper interpretation of the contract, and that pending that time the parties might file briefs in support of their positions. Counsel for the complainant has advised the Commission that the complainant does not desire to have any decision rendered upon the complaint, so that a closing order may now properly be made. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 5724]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of November, 1916.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**In the matter of the Complaint of PATRONS OF THE
READING AND ROCK STREAM TELEPHONE COMPANY,
Schuyler county, against said company as to service
rendered.**

In this matter the company answered, denying allegations of poor service. A date for hearing was set. Representatives of complainants subsequently informed the Commission (letters of November 20 and November 21, 1916) that "Mr. Chapman has men at work putting the line in good shape and cutting all brush and limbs and repairing all telephones that need it. . . . We would prefer not to have a hearing, as they are putting the line in good order." It is therefore

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No 6746]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of November, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the complaint of RESIDENTS ON OLY-
PHANT AVENUE, DOBBS FERRY, *against* WESTCHESTER
LIGHTING COMPANY, asking that the company lay
pipes and furnish gas in a portion of the avenue.

In this matter the company answered that it was laying the necessary main,
and representative of complainants (letter of November 21, 1916) informed
the Commission that "the gas company is now engaged in the work of laying
the supply main in Olyphant avenue and our complaint is satisfied". It is
therefore

Ordered: That this complaint is hereby closed on the records of the Com-
mission as satisfied.

Special Permission Tariffs, November, 1916.

No. 6209; November 2, 1916; The New Central Railroad Company (Line Buf-
falo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 2, 1916, The New
York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and
east) is hereby authorized to publish and file, in the manner prescribed by the
Public Service Commissions Law and the regulations of the Commission estab-
lished thereunder, under an effective date of November 3, 1916, a supplement
to its local and joint freight tariff on fluid milk, buttermilk, condensed milk,
cream, and pot cheese (when shipped in milk trains), between stations on its
Mohawk, Adirondack, Ontario, and St. Lawrence divisions and 130th Street and
33rd Street, New York, N. Y., and Yonkers, N. Y., P. S. C., 2 N. Y., N. Y. C.
No. 2573, and therein add Sackett Harbor, N. Y., to the list of stations from
and to which rates apply.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2573, effective
November 3, 1916.

No. 6270; November 2, 1916; The Delaware, Lackawanna and Western Rail-
road Company:

Ordered: That under its application of date November 1, 1916, The Dela-
ware, Lackawanna and Western Railroad Company is hereby authorized to
publish and file, in the manner prescribed by the Public Service Commissions
Law and the regulations of the Commission established thereunder, or not
less than one day's notice, a joint commodity tariff applying on Apples, in
bulk, in carloads, minimum weight to be specified, from Chenango Forks,
N. Y., Whitney's Point, N. Y., and Cortland, N. Y., over its line via
Syracuse, N. Y., and the New York Central railroad to Holley, N. Y.;
also from Greene, N. Y., Oxford, N. Y., Poolville, N. Y., and Hubbards-
ville, N. Y., over its line via Utica, N. Y., and the New York Central railroad
to Holley, N. Y., at rate of eleven cents per hundred pounds. This permission
is void unless the schedule issued thereunder is filed with the Commission
within thirty days from the date hereof.

Completed by P. S. C. No. 2756, effective November 6, 1916.

No. 6271; November 2, 1916; New York, Ontario and Western Railway
Company:

Ordered: That under its application of date October 31, 1916, the New
York, Ontario and Western Railway Company is hereby authorized to publish

and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Cider, carloads, minimum weight to be specified, from Bouckville, N. Y., over its line via Oneida, N. Y., and the New York Central railroad to Holley, N. Y., at rate of twelve and six-tenths cents per hundred pounds; and from Bouckville, N. Y., over its line via Clarks Mills, N. Y., and West Shore railroad to Ravena, N. Y., at rate of thirteen and seven-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3363, effective November 6, 1916.

No. 6272; November 2, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date October 31, 1916, the New York, Ontario and Western Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff in connection with the New York Central railroad applying on Apples, in carloads, minimum weight thirty thousand pounds, and therein establish the rates in cents per hundred pounds to Holley, N. Y., from New York state stations on its line as shown in exhibit "A" attached to said application and hereby made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3362, effective November 6, 1916.

No. 6273; November 4, 1916; The New York Central Railroad Company, for itself and its leased line, the West Shore Railroad:

Ordered: That under the three applications of November 1, 1916 (Nos. X-1, X-2, and X-3), The New York Central Railroad Company and its leased line, the West Shore Railroad, are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, new tariffs, consecutively numbered in their respective P. S. C., 2 N. Y., series, and consecutively numbered supplements to N. Y. C. & H. R. R. R. schedule P. S. C., 2 N. Y., No. X-20, and West Shore Railroad schedule P. S. C., 2 N. Y., No. X-W. S. 17, such tariffs and supplements to establish track storage and car demurrage charges as set forth in the said three applications for a period of not exceeding ninety (90) days, to contain provisions for expiration on a specific date, and also contain publication of the charges to apply thereafter. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law as revised and amended, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having authorized such changes as to interstate traffic. This permission is limited strictly to its terms and does not include later supplements to or reissues of the tariffs issued or amended thereunder. It is void unless the tariffs and supplements issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by New York Central P. S. C. Nos. X-25 and X-26, and supplement No. 9 to P. S. C. No. X-20; and West Shore P. S. C. Nos. X-W. S. 22 and X-W. S. 23, and supplement No. 9 to P. S. C. No. X-W. S. No. 17, effective November 14, 1916.

No. 6274; November 4, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date November 3, 1916, The Delaware, Lackawanna and Western Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not

less than one day's notice, a joint commodity tariff applying on Crushed Stone, carloads, minimum weight marked capacity of car, except when cars are loaded to their visible capacity actual weight will govern, but in no case will the minimum weight be less than forty thousand pounds, from Buffalo, N. Y., and Black Rock, N. Y., over its line via Wayland, N. Y., and the Pittsburg, Shawmut and Northern railroad to stations Perkinsville, N. Y., to Angelica, N. Y., inclusive, including points on the Hornell branch, at rate of seventy-nine cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2758, effective November 9, 1916.

No. 6275; November 6, 1916; Greenwich and Johnsonville Railway Company:

Ordered: That under its application of date November 6, 1916, the Greenwich and Johnsonville Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and as canceling its P. S. C., 2 N. Y., No. 413, a joint and proportional freight tariff on cream, any quantity, in cans of forty quarts each, when transported in baggage cars in passenger train service, weekdays only, from Greenwich, N. Y., to Salem, N. Y., establishing a rate of twenty-five cents per can of forty quarts, subject to rules as shown in exhibit attached to said application and made part of this permission. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 416, effective November 9, 1916.

No. 6276; November 8, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date November 7, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Amiesite, Rough Quarried and Crushed Stone, in carloads, minimum weight forty thousand pounds, from LeRoy (including siding of General Crushed Stone, Heimlech's siding, and Hollister's siding), N. Y., and Lime Rock, N. Y., over its line via D., L. & W. Junction, N. Y., Delaware, Lackawanna and Western railroad, Wayland, N. Y., and Pittsburg, Shawmut and Northern railroad to Garwoods, N. Y., and Swains, N. Y., at rate of seventy-eight cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1295, effective November 13, 1916.

No. 6277; November 8, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date November 6, 1916, the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Fresh Milk and Buttermilk, in cans, and therein establish the following rates in cents per hundred pounds as applicable from Bliss, N. Y., to Ellicottville, N. Y., such rates to include free return of empty packages: In five-gallon cans, each weighing fifty-five pounds, 19.1; in eight-gallon cans, each weighing eighty-eight pounds, 14.3; in ten-gallon cans, each weighing one hundred eleven and one-half pounds, 14.2. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 1294, effective November 17, 1916.

No. 6278; November 9, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date November 8, 1916, The Delaware and Hudson Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's

notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3113, and therein establish rate of ninety-seven cents per ton of two thousand pounds on Crushed Stone, carloads, minimum weight marked capacity of car used, but not less than forty thousand pounds, from Chazy, N. Y., over its line via Rouses Point, N. Y., and the Rutland railroad to Brushton, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 15 to P. S. C. No. 3113, effective November 10, 1916.

No. 6279; November 8, 1916; The New York, New Haven and Hartford Railroad Company:

This special permission not used.

No. 6280; October 28 and November 2, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application of date October 27, and renewed November 1, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than fifteen days' notice and effective not earlier than December 1, 1916, a freight tariff or a supplement amending its existing freight tariff of car demurrage rules, said tariff or supplement to make the changes in rules and regulations governing car demurrage as set forth in exhibit accompanying its application of date October 27, 1916, and which is hereby made part of this order.

Completed by supplement No. 3 to P. S. C. L. S. No. 155, effective December 1, 1916.

No. 6281; November 10, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date November 10, 1916, The Pennsylvania Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff G. O. P. S. C., 2 N. Y., No. 861, said supplement to further postpone, as to New York intrastate traffic, from November 12, 1916, until May 17, 1917, the effective date of item 173-A as shown in supplement No. 4 to said tariff.

Completed by supplement No. 18 to G. O. P. S. C. No. 861, filed November 11, 1916.

No. 6282; November 11, 1916; Erie Railroad Company:

Ordered: That under its application of date November 10, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on three days' notice and under an effective date not earlier than December 1, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3575, said supplement to amend page five of supplement No. 5, adding explanation of reference mark figure seven in circle to read as follows: "Rate to Jamestown, N. Y., 8.6 cents per 100 pounds."

Completed by supplement No. 6 to P. S. C. No. 3575, effective December 1, 1916.

No. 6283; November 11, 1916; International Railway Company:

Ordered: That under its application of date November 10, 1916, the International Railway Company be and it is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a new local and joint passenger tariff of charges for, and rules governing the furnishing of, funeral cars, applying between points on its line, and from points thereon to points on the lines of the Niagara Gorge Railroad Company, Buffalo Southern Railway Company, Buffalo and Lake Erie Traction Company, and Buffalo and Williamsville Railway Company, said tariff to supersede and take the place of its passenger tariffs P. S. C., 2 N. Y., Nos.

11 and 112, and to establish therein the charges and rules set forth in exhibit attached to and part of said application and which is hereby made part of this order. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 161, effective November 25, 1916.

No. 6284; November 13, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 11, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff of rules governing transit privileges on transit grain at Oswego, N. Y., said tariff to establish the rules, regulations, and charges applying in connection with such privileges as set forth in exhibit attached to and made part of its application and which is hereby made part of this order. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 3004, effective November 22, 1916.

No. 6285; November 15, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 13, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff or supplement to a tariff, and therein establish rate of sixteen and eight-tenths cents per hundred pounds on Excelsior, in carloads, minimum weight as per Official Classification, from Edwards, N. Y., to Corning, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2546, effective November 23, 1916.

No. 6286; November 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than November 23, 1916, a local commodity tariff on Marble Waste, in carloads, as canceling its P. S. C., 2 N. Y., N. Y. C. No. 2973, reissuing the matter contained therein without change except to provide that carload minimum weight will be twenty gross tons of twenty-two hundred and forty pounds each, and that rates named will apply per ton of twenty-two hundred and forty pounds instead of per ton of two thousand pounds.

Completed by P. S. C. N. Y. C. No. 3005, effective November 23, 1916.

No. 6287; November 16, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date November 15, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, carloads, minimum weight fifty thousand pounds, from Indian Castle, N. Y., over its line via Kingston, N. Y., and the Ulster and Delaware railroad to South Gilboa, N. Y., at rate of one dollar and seventy-five cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. W. S. No. 875, effective November 20, 1916.

No. 6288; November 16, 1916; Middletown and Unionville Railroad Company:

Ordered: That under its application of date November 14, 1916, the Middletown and Unionville Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, a local commodity tariff applying on Milk, in forty-quart cans, any quantity, from West Town, N. Y., to Unionville, N. Y., at rate of six cents per can, said rate to include free return of empty cans. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 23, effective November 25, 1916.

No. 6289; November 17, 1916; Erie Railroad Company:

Ordered: That under its application of date November 16, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3131, said supplement to establish rate of eighty-five cents per ton of two thousand pounds on Ice, carloads, minimum weight forty thousand pounds, from Cuba, N. Y. (Cuba Summit), to Bath, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 7 to P. S. C. No. 3131, effective November 26, 1916.

No. 6290; November 17, 1916; Erie Railroad Company:

Ordered: That under its application of date November 16, 1916, the Erie Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than fifteen days' notice and effective not earlier than December 10, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3164, said supplement to cancel supplement No. 6, filed to take effect December 10, 1916, reissuing the matter contained therein making no change except in paragraph (j), page two, which is to read as follows: "(j) The gross rates per bushel named herein will also apply on ex-lake grain from Buffalo elevators (having railroad track connection) not named in this tariff, but will not include any service or charges of such elevators for elevation, loading, storage, or insurance, and such grain will not be subject to Rules a, b, c, d, e, or g of this tariff."

Completed by supplement No. 7 to P. S. C. No. 3164, effective December 10, 1916.

No. 6291; November 17, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date November 16, 1916, the Lehigh Valley Railroad Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-2952, said supplement to establish rate of fifty-three cents per ton of two thousand pounds on Ice, in carloads, from Manchester, N. Y., to Geneva, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 10 to P. S. C. No. D-2952, effective November 22, 1916.

No. 6292; November 17, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 16, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a new tariff or a supplement amending its tariff P. S. C., 2 N. Y., N. Y. C. No. 2929, such new tariff or supplement to establish local and joint rates in cents per hundred

pounds on Wood Pulp and Wood Pulp Screenings, in carloads, minimum weight forty thousand pounds, to Amboy, N. Y., on West Shore railroad as follows: From New York Central stations Brownville, N. Y., Dexter, N. Y., Black River, N. Y., Felts Mills, N. Y., Great Bend, N. Y., Carthage, N. Y., Lowville, N. Y., Lyons Falls, N. Y., Port Leyden, N. Y., Gouverneur, N. Y., Canton, N. Y., Potsdam, N. Y., and Norwood, N. Y., and Norwood and St. Lawrence railroad stations Norfolk, N. Y., and Raymondsville, N. Y., 8.4; from New York Central stations Harrisville, N. Y., Backus, N. Y., Kalurah, N. Y., Oswegatchie, N. Y., Newton Falls, N. Y., Emeryville, N. Y., and McKeever, N. Y., 9.5. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2929, effective November 24, 1916.

No. 6293; November 18, 1916; The New York Central Railroad Company and its leased line, the West Shore Railroad:

This special permission not used.

No. 6294; November 20, 1916; R. N. Collyer, Agent:

Ordered: That under his application of date November 17, 1916, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, is hereby authorized to publish and file, on not less than one day's notice and effective not earlier than December 1, 1916, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, said supplement to postpone, as to New York state traffic, from December 1, 1916, until March 1, 1917, the effective date of item 4 as shown on page six of supplement No. 14, filed to take effect December 1, 1916, and refer to ratings which will apply pending restoration, reissue, or cancellation.

Completed by supplement No. 15 to P. S. C. O. C. No. 43, filed November 25, 1916.

No. 6295; November 23, 1916; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date November 22, 1916, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 594, said supplement to postpone the effective date of said tariff from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 405, as amended and in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 594, filed November 25, 1916.

No. 6296; November 23, 1916; The Baltimore and Ohio Railroad Company:

Ordered: That under its application of date November 21, 1916, The Baltimore and Ohio Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C.,

2 N. Y., No. 43, said supplement to postpone the effective date of supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 43, from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its tariff P. S. C., 2 N. Y., No. 43, as amended and in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 4 to P. S. C. No. 43, filed November 29, 1916. No. 6297; November 23, 1916; The Delaware and Hudson Company for itself, the Cooperstown and Charlotte Valley Railroad Company, and the Greenwich and Johnsonville Railway Company:

Ordered: That under application of date November 23, 1916, The Delaware and Hudson Company, Cooperstown and Charlotte Valley Railroad Company, and Greenwich and Johnsonville Railway Company be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, consecutively numbered supplements to their respective tariffs of car demurrage rules, P. S. C., 2 N. Y., Nos. 3320, 150, and 415, said supplements to postpone the effective dates of such tariffs from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of the car demurrage rules as set forth in their respective freight tariffs P. S. C., 2 N. Y., Nos. 3237, 146, and 406, as amended and in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissue of the tariffs amended thereunder.

Completed by supplements Nos. 1 to P. S. C. Nos. 3320, 150, and 415; filed November 27, 1916.

No. 6298; November 24, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date November 23, 1916, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Agricultural Implements and Machines, Agricultural Implement and Machine Parts and Stock or Stuff (as shown in Official Classification P. S. C., 2 N. Y., O. C. No. 43, supplements thereto and reissues thereof), in carloads, minimum weight twenty-four thousand pounds, from Leonardsville, N. Y., over the Unadilla Valley railway via Bridgewater, N. Y., and the Delaware, Lackawanna and Western railroad to Syracuse, N. Y., at rate of ten and one-half cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 2768, effective November 27, 1916.

No. 6299; November 24, 1916; Norwood and St. Lawrence Railroad Company:

This special permission not used.

No. 6300; November 24, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date November 23, 1916, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. G-15, said supplement to postpone the effective date of supplement No. 6 to said tariff P. S. C., 2 N. Y., No. G-15, from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of the car demurrage rules as set forth in its tariff P. S. C., 2 N. Y., No. G-15, as amended and in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 7 to P. S. C. No. G-15, filed November 28, 1916.

No. 6301; November 24, 1916; New York, Ontario and Western Railway Company:

Ordered: That under its application of date November 23, 1916, the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 5, 1916, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 3261, said supplement to postpone the effective date of supplement No. 1 to said tariff P. S. C., 2 N. Y., No. 3261, from December 5, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its tariff P. S. C., 2 N. Y., No. 3261, as in force and effect on December 4, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 2 to P. S. C. No. 3261, filed November 29, 1916.

No. 6302; November 24, 1916; Lehigh and New England Railroad Company:

Ordered: That under its application of date November 23, 1916, the Lehigh and New England Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 108, said supplement to postpone the effective date of said tariff from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 83, as amended and in force

and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 108, filed November 29, 1916. No. 6303; November 24, 1916; Erie Railroad Company:

Ordered: That under its application of date November 22, 1916, the Erie Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 2, 1916, consecutively numbered supplements to its tariffs of car demurrage rules, P. S. C., 2 N. Y., No. 3686, and P. S. C., 2 N. Y., No. A-618, said supplements to postpone the effective dates of said tariffs from December 2, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariffs P. S. C., 2 N. Y., No. 3604, and P. S. C., 2 N. Y., No. A-591, as in force and effect on December 1, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplements Nos. 1 to P. S. C. Nos. 3686 and A-618, filed November 28, 1916.

No. 6304; November 24, 1916; The Delaware, Lackawanna and Western Railroad Company for itself and the Unadilla Valley Railway Company:

Ordered: That under its application of date November 23, 1916, The Delaware, Lackawanna and Western Railroad Company for itself and the Unadilla Valley Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 2755, said supplement to postpone the effective date of said tariff from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 2184, as amended and in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 2755, filed November 28, 1916.

No. 6305; November 24, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date November 23, 1916, The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, supplements to the various class rate tariffs of its issue having local and joint application between points in Central Freight Association Territory, specified in exhibit attached to said application, said supplements to postpone until March 31, 1917, the effective date of the tariffs or supplements to tariffs specified in exhibit attached to said application, hereby made part of this order, and which contain rates based on the new proposed Central Freight Association class rate scale filed on statutory notice to take effect December 1, 1916, and to provide for the continuance in effect during period of postponement of the rates contained in class rate tariffs, or in such tariffs as the same may have been lawfully amended and which were in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs or supplements to tariffs as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to various tariffs; filed November 28, 1916.

No. 6306; November 24, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date November 23, 1916, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a supplement to its tariff of joint class rates applying from stations on its line to points on Pennsylvania railroad, P. S. C., 2 N. Y., No. 2222, said supplement to postpone until March 31, 1917, the effective date of the application of rates from Delaware, Lackawanna and Western Railroad stations Groups 94 and 95 to stations on Pennsylvania railroad as shown on pages ten and eleven of supplement No. 11 to said tariff, filed to take effect December 1, 1916, and which rates were based on the new proposed Central Freight Association class rate scale, and to provide for the continuance in effect during the period of postponement of the rates contained in said tariff as the same may have been in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of the referred to items in said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 13 to P. S. C. No. 2222, filed November 28, 1916.

No. 6307; November 24, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and

east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective within thirty days from the date of this order, a tariff on Mixed Live Stock Feed, carloads, subject to carload minimum weight and conditions as outlined in tariff P. S. C., 2 N. Y., N. Y. C. No. 2648, Exceptions to Official Classification, said tariff to establish from Peekskill, N. Y., the rates in cents per hundred pounds to various stations on the New York Central railroad as shown in exhibit attached to said application and which is hereby made part of this order.

Completed by P. S. C. N. Y. C. No. 3011, effective December 4, 1916.

No. 6308; November 25, 1916; Boston and Maine Railroad:

Ordered: That under its application of date November 24, 1916, the Boston and Maine Railroad be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 732, said supplement to postpone the effective date of said tariff from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 686, as amended and in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 732, filed November 28, 1916.

No. 6309; November 25, 1916; The Long Island Railroad Company:

Ordered: That under its application of date November 25, 1916, The Long Island Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 435, said supplement to postpone the effective date of said tariff from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 431, as in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 435, filed November 28, 1916.

No. 6310; November 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 24, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and

east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff and therein establish rate of four and seven-tenths cents per hundred pounds of Wood Pulp and Wood Pulp Screenings, in carloads, minimum weight forty thousand pounds, from Waddington, N. Y., over the Norwood and St. Lawrence railroad via Norwood, N. Y., and the New York Central railroad to Canton, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 2929, effective December 3, 1916.

No. 6311; November 25, 1916; Rutland Railroad Company:

Ordered: That under its application of date November 25, 1916, the Rutland Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 3, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. A-16, said supplement to postpone the effective date of said tariff from December 3, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. A-14, as amended and in force and effect on December 2, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. A-16, filed November 28, 1916.

No. 6312; November 25, 1916; E. Morris, Agent:

Ordered: That under his application of date November 24, 1916, E. Morris, duly authorized agent for various carriers to publish and file tariffs of joint and local class rates to apply between points in Central Freight Association Territory, and the carriers for which he so acts, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, supplements to their various class rate freight tariffs affected, as hereinafter specified, said supplements to postpone until March 31, 1917, the effective date of the following described tariff publications filed to take effect December 1, 1916, except as otherwise noted:

E. Morris, Agent, tariff P. S. C., 2 N. Y., No. 28, and supplement No. 1 thereto, effective December 31, 1916.

Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) supplement No. 15 to tariff P. S. C., 2 N. Y., No. A-407; supplement No. 19 to tariff P. S. C., 2 N. Y., No. A-512.

The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) supplement No. 55 to tariff (L. S. & M. S. series) P. S. C., 2 N. Y., No. 15; supplement No. 5 to tariff (L. S. & M. S. series) P. S. C., 2 N. Y., No. 495; supplement No. 5 to tariff (L. S. & M. S. series) P. S. C., 2 N. Y., No. 497; supplement No. 49 to tariff (D., A. V. & P. series) P. S. C., 2 N. Y., No. 128; supplement No. 1 to tariff P. S. C., 2 N. Y., L. S. No. 126; supplement No. 3 to tariff P. S. C., 2 N. Y., L. S. No. 145.

The New York, Chicago and St. Louis Railroad Company supplement No. 1 to tariff P. S. C., 2 N. Y., No. 470; supplement No. 2 to P. S. C., 2 N. Y.,

No. 471; supplements Nos. 5 and 6 to tariff P. S. C., 2 N. Y., No. 473; supplements Nos. 2 and 3 to tariff P. S. C., 2 N. Y., No. 503; supplement No. 3 to tariff P. S. C., 2 N. Y., No. 556.

Also to provide for the continuance in effect during the period of postponement of class rates as set forth in the carriers' various freight tariffs or such tariffs as amended and in force and effect on November 30, 1916.

During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to the tariffs affected by this order, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs and supplements as to interstate traffic for a period of time corresponding with the postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to various tariffs; filed November 29, 1916.

No. 6313; November 25, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 23, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. X-20, said supplement to postpone from December 1, 1916, until March 31, 1917, the effective date of the changes in rules Nos. 7, 8, and 9, published in supplement No. 8, and brought forward as reissued items in supplement No. 9 to said tariff, and also to make like postponement of the application of note published in said supplement No. 9 in connection with rule No. 7, and to provide for the continuance in effect, during the period of postponement, of car demurrage rules Nos. 7, 8, and 9 as set forth in said tariff P. S. C., 2 N. Y., No. X-20, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., No. X-20, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 10 to P. S. C. No. X-20, filed November 29, 1916.

No. 6314; November 25, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date November 23, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a supplement to its tariff of car demurrage rules, P. S. C.,

2 N. Y., No. X-W. S. 17, said supplement to postpone from December 1, 1916, until March 31, 1917, the effective date of the changes in rules Nos. 7, 8, and 9, published in supplement No. 8, and brought forward as reissued items in supplement No. 9 to said tariff, and also to make like postponement of the application of note published in said supplement No. 9 in connection with rule No. 7, and to provide for the continuance in effect, during the period of postponement, of car demurrage rules Nos. 7, 8, and 9 as set forth in said tariff P. S. C., 2 N. Y., No. X-W. S. 17, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., No. X-W. S. 17, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 10 to P. S. C. No. X-W. S. 17, filed November 29, 1916.

No. 6315; November 25, 1916; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application of date November 24, 1916, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a supplement to its local and joint freight tariff of class rates applying between points in Central Freight Association Territory, P. S. C., 2 N. Y., No. 570, said supplement to postpone from December 1, 1916, until March 31, 1917, the effective date of said tariff, which contains rates based on the new proposed Central Freight Association class rate scale, and to provide for the continuance in effect, during the period of postponement, of the rates contained in class rate tariffs or in such tariffs as the same may have been lawfully amended and which were in force and effect on November 30, 1916. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 570, filed November 29, 1916.

No. 6316; November 27, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East thereof):

Ordered: That under its application of date November 25, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east thereof) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, supplements, consecutively numbered, to its class rate freight tariffs P. S. C., 2 N. Y., Nos. 2974, 2980, 2976, and 2991, said supplements to postpone until March 31, 1917, the effective date of supplements Nos. 2, 7, 6, and 13, respectively, to tariffs P. S. C., 2 N. Y., Nos. 2974, 2980, 2976, and 2991, which contain rates based on the new proposed Central Freight Association class rate scale, and filed on statutory notice to take effect Decem-

ber 1, 1916; also to provide for the continuance in effect, during the period of postponement, of the rates contained in said class rate tariffs or in such tariffs as the same may have been lawfully amended and which were in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to the tariffs affected by this order, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplements as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by proper supplements, filed November 28, 1916.

No. 6317; November 27, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date November 25, 1916, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, consecutively numbered supplements to its tariffs of car demurrage rules, P. S. C., 2 N. Y., Nos. 790 and 1299, said supplements to postpone until March 31, 1917, the effective date of rules Nos. 7, 8, and 9 as published in supplement No. 9 to tariff P. S. C., 2 N. Y., No. 790, filed to take effect December 1, 1916, and brought forward as reissued items in tariff P. S. C., 2 N. Y., No. 1299, filed to take effect December 26, 1916, except as noted in individual items; also to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in tariff P. S. C., 2 N. Y., No. 790, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to the tariffs affected by this order, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 10 to P. S. C. No. 790, filed November 29, 1916; and P. S. C. No. No. 1303 (canceling P. S. C. No. 1299), effective December 15, 1916.

No. 6318; November 28, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 27, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Crushed Stone, in carloads, minimum weight sixty thousand pounds, from Ogdensburg, N. Y., to Brier Hill, N. Y., at rate of forty-two cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 3019, effective December 6, 1916.

No. 6319; November 28, 1916; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date November 27, 1916, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, for itself, the Central New England Railway Company, and the New York, Westchester and Boston Railway Company, on not less than one day's notice and effective not earlier than December 1, 1916, a freight tariff of additional demurrage charges to continue in effect until the close of business January 31, 1917, said tariff to establish the schedule of charges for use of cars placed or constructively placed on public or private tracks in addition to the regular demurrage charges and the regulations applying in connection therewith as set forth in said application and which is hereby made part of this permission.

Completed by P. S. C. No. F-282, effective December 1, 1916.

No. 6320; November 28, 1916; The Pullman Company:

Ordered: That under its application of date November 27, 1916, The Pullman Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective with date that service on new line between Rochester, N. Y., and Washington, D. C., begins, an amendment to its tariff P. S. C., 2 N. Y., No. 244, said amendment to be issued as original page 25-C, and to provide rate to apply for accommodations in Pullman cars between points in New York state served by new car line between Rochester, N. Y., and Washington, D. C. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by original page 25-C to P. S. C. No. 244, effective December 2, 1916.

No. 6321; November 28, 1916; The Staten Island Rapid Transit Railway Company:

Ordered: That under its application of date November 28, 1916, The Staten Island Rapid Transit Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 1, 1916, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 122, said supplement to postpone the effective date of supplement No. 5 to said tariff P. S. C., 2 N. Y., No. 122, from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 122, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., No. 122, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 6 to P. S. C. No. 122, filed November 29, 1916.

No. 6322; November 28, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date November 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and

(ast) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue December 1, 1916, supplements, consecutively numbered, to its class rate freight tariffs P. S. C., 2 N. Y., No. 14135 (N. Y. C. & H. R. R. R. Co. issue), and P. S. C., 2 N. Y., N. Y. C. No. 54, said supplements to postpone until March 31, 1917, the effective date of supplement No. 2 to P. S. C., 2 N. Y., No. 14135 (N. Y. C. & H. R. R. R. Co. issue), and supplement No. 10 to P. S. C., 2 N. Y., N. Y. C. No. 54, which contain rates based on the new proposed Central Freight Association class rate scale and filed on statutory notice to take effect December 1, 1916; also to provide for the continuance in effect, during the period of postponement, of the rates contained in said class rate tariffs or in such tariffs as the same may have been lawfully amended and which were in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to the tariffs affected by this order, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplements as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 3 to P. S. C. No. 14135, and supplement No. 3 to P. S. C. N. Y. C. No. 54; filed November 29, 1916.

No. 6323; November 28, 1916; Buffalo and Susquehanna Railroad Corporation:

Ordered: That under its application of date November 28, 1916, the Buffalo and Susquehanna Railroad Corporation be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date not earlier than December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 58, said supplement to postpone from December 1, 1916, until March 31, 1917, the effective date of supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 58, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 58, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., No. 58, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 4 to P. S. C. No. 58, filed November 28, 1916.

No. 6324; November 28, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date November 27, 1916, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its tariff of rules governing the milling and mixing in transit of

hay, grain, grain products and byproducts, applying at Oakwood, N. Y., P. S. C., 2 N. Y., No. D-3310, said supplement to add the following as Rule 17: "Rule 17: For the purpose of this tariff, Oakwood, N. Y., will be considered as an intermediate point on main line."

No. 6325; November 28, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date November 27, 1916, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue December 1, 1916, supplements to its joint tariffs of class rates, P. S. C., 2 N. Y., Nos. D-2855 and D-3187, said supplements to postpone from December 1, 1916, until March 31, 1917, the effective dates of supplement No. 4 to P. S. C., 2 N. Y., No. D-2855, and supplement No. 1 to P. S. C., 2 N. Y., No. D-3187, which contain rates based on the new proposed Central Freight Association class rate scale, and to provide for the continuance in effect, during the period of postponement, of the rates contained in said class rate tariffs, or in such tariffs as the same may have been lawfully amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rule limiting the number of supplements which may be in effect at any time to a tariff will be waived as to the tariffs herein specified, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 5 to P. S. C. No. D-2855, and supplement No. 2 to P. S. C. No. D-3187; filed November 29, 1916.

No. 6326; November 28, 1916; Central New York Southern Railroad Corporation:

Ordered: That under its application of date November 28, 1916, the Central New York Southern Railroad Corporation be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. F-7, said supplement to postpone the effective date of supplement No 6 to said tariff P. S. C., 2 N. Y., No. F-7, from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. F-7, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., No. F-7, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 7 to P. S. C. No. F-7, filed November 29, 1916.

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No. 6327; November 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) :

Ordered: That under its application of date November 28, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Fluid Milk, in forty-quart cans (to be pasteurized and re-shipped), in lots of thirty cans or more, from Ogdensburg, N. Y., to Brier Hill, N. Y., at rate of ten and five-tenths cents per can, such rate to include free return of empty cans but not to include icing. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from date hereof.

Completed by P. S. C. N. Y. C. No. 3022, effective December 6, 1916.

No. 6328; November 29, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date November 29, 1916, The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date not earlier than December 1, 1916, a supplement to its tariff of car demurrage rules, T. D. P. S. C., 2 N. Y., No. 18, said supplement to postpone the effective date of said tariff from December 1, 1916, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff T. D. P. S. C., 2 N. Y., No. 11, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff T. D. P. S. C., 2 N. Y., No. 11, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariff as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to T. D. P. S. C. No. 18, effective December 1, 1916.

No. 6329; November 29, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West) :

Ordered: That under its application of date November 29, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue December 1, 1916, a consecutively numbered supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., L. S. No. 155, said supplement to postpone the effective date of supplement No. 2, filed to take effect December 15, 1916, and supplement No. 3, filed to take effect December 1, 1916, to said tariff P. S. C., 2 N. Y., L. S. No. 155, until March 31, 1917, and to provide for the continuance in effect, during period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., L. S. No. 155, as amended and in force and effect on November 30, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., L. S. No. 155, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to

which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said supplement as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 5 to P. S. C. L. S. No. 155, effective December 1, 1916.

No. 6330; November 29, 1916; Buffalo Creek Railroad:

Ordered: That under its application of date November 29, 1916, the Buffalo Creek Railroad be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, consecutively numbered supplements to its tariffs of car demurrage rules, P. S. C., 2 N. Y., Nos. 12 and 13, said supplements to postpone until March 31, 1917, the effective dates of said tariffs, and to provide for the continuance in effect, during the period of postponement, of car demurrage rules as set forth in its freight tariff P. S. C., 2 N. Y., No. 11, as amended and in force and effect on December 3, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to tariff P. S. C., 2 N. Y., No. 11, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective date of said tariffs as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplements Nos. 1 to P. S. C. Nos. 12 and 13, filed December 2, 1916.

No. El.-19; November 8, 1916; Rochester Railway and Light Company:

Ordered: That under its application of date November 6, 1916, the Rochester Railway and Light Company is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on one day's notice and under an effective date of November 10, 1916, an amendment to the rules and regulations shown in its general schedule for electricity P. S. C., 2 N. Y., No. 1, said amendment to supersede Original Leaf No. 4e of such schedule and establish the rules and regulations set forth in the application.

Completed by schedule effective November 10, 1916.

No. El.-20; November 14, 1916; Binghamton Light, Heat and Power Company:

Ordered: That under its application of date November 13, 1916, the Binghamton Light, Heat and Power Company is authorized to publish and file, in the manner outlined in the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than two days' notice and under an effective date of November 20, 1916, amendments to its general schedule for electricity P. S. C., 2 N. Y., No. 1, said amendments to establish Service Classification No. 8, covering wholesale primary power service as set forth in the application.

Completed by schedules effective November 20, 1916.

No. El.-21; November 13, 1916; The Yonkers Electric Light and Power Company:

Ordered: That under its application of November 11, 1916, The Yonkers Electric Light and Power Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the

regulations of the Commission established thereunder, under an effective date of November 17, 1916, an amendment to its general schedule for electricity P. S. C., 2 N. Y., No. 1, said amendment to be issued as Second Revised Leaf No. 10, and establish thereunder as Rule and Regulation No. 24 a provision covering "Guarantee Waived During Construction," as shown in exhibit attached to and part of said application and which is hereby made a part of this order. Said revised leaf shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-21, of November 15, 1916."

Completed by schedule effective November 17, 1916.

No. El.-22; November 18, 1916; The Hilton Electric Light, Power and Heat Company:

Ordered: That under its application of date November 17, 1916, The Hilton Electric Light, Power and Heat Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, amendments to its general schedule for electricity P. S. C., 2 N. Y., No. 2, said amendments to establish Service Classification No. 2, covering Three-Rate Charge for Light and Power, and shall supersede and take the place of Service Classifications Nos. 2, 3, 4, and 5 now contained in said general schedule. This permission is void unless the schedules issued thereunder are filed with the Commission within thirty days from the date hereof.

Completed by schedules effective November 24, 1916.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

On the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer electric zone improvements upon a detail grading, paving, and drainage plan, sheet No. 4, issue No. 4, dated August 5, 1915; and upon a detail grading, paving, and drainage plan, sheet No. 5, issue No. 6, dated August 5, 1915, showing the character of improvements to the new and existing roads necessary to carry out the Commission's determination in the above entitled matter; and upon the approval of the local authorities as indicated by letter dated November 3, 1916, from William A. Smith, village engineer, it is

Ordered: 1. That said plans be and are hereby approved.

2. That this approval however does not include the design of a railing, detail of which is shown upon sheet No. 4, the design of railing finally adopted to be the subject of future consideration and determination by the Commission.

[Case No. 2401]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CENTRAL HUDSON GAS AND ELECTRIC COMPANY (1) for approval of its first and refunding mortgage, and (2) for leave to issue bonds thereunder, and (3) for approval of the appointment of the engineers to make an inventory and appraisal of the permanent assets of the company under the provisions of the order of the Commission dated and filed April 11, 1911.

Supplemental
order.

By order herein dated July 5, 1911, the Central Hudson Gas and Electric Company was authorized to execute a mortgage for \$5,000,000 and to issue thereunder \$2,000,000 face value of first and refunding mortgage thirty-year 5 per cent gold bonds. Of the bonds so authorized, \$1,400,000 were to be used for the purpose of paying off and canceling the outstanding bonds of the constituent companies of the petitioner, viz. \$600,000 face value of first mortgage 5 per cent 20-year gold bonds of the Poughkeepsie Light, Heat and

Power Company, \$700,000 face value of 5 per cent 20-year mortgage bonds of the Newburgh Light, Heat and Power Company, and \$100,000 face value of 5 per cent 25-year mortgage bonds of the Hudson Counties Gas and Electric Company. Clause No. 2 of said order provided that "The said bonds . . . shall be exchanged at par for the bonds of the said constituent companies. If in any case the said exchange can not be effected, the new bonds not so exchanged shall be held in the custody of the trustee under said first and refunding mortgage as a reserve with which to take up a like amount of the present outstanding bonds of the said constituent companies at maturity; provided however that nothing herein contained shall prevent the sale of any of said new bonds at par for the purpose of purchasing immediately thereafter only with the proceeds thereof a like amount of said present outstanding bonds at par." The balance of bonds to be issued in accordance with the provisions of said order, viz. \$600,000, were authorized to be sold for not less than 95¼ per cent of their face value and the proceeds thereof applied toward the discharge of certain bills payable of the Poughkeepsie Light, Heat and Power Company and Newburgh Light, Heat and Power Company, and for purposes of new construction, as set forth in clause No. 3 of said order. According to verified reports, of the underlying bonds, \$542,500 face value of the first mortgage 5 per cent 20-year gold bonds of the Poughkeepsie Light, Heat and Power Company have been canceled, and according to report dated September 24, 1914, "the balance, \$57,500, were paid in cash until such time as we are able to dispose of Central Hudson Gas and Electric Company first and refunding mortgage bonds reserved for that purpose." A subsequent report shows that \$57,500 face value of such first and refunding mortgage bonds of the petitioner were sold between November 20, 1914, and January 28, 1915, at 96 and accrued interest, and the proceeds used to reimburse the treasury for expenditures made therefrom for the discharge of the aforesaid bonds. Under date of November 9, 1916, the company's attention was called to the fact that the sale of said \$57,500 of bonds at less than par was a violation of the order herein dated July 5, 1911. This resulted in the filing of the supplemental petition on November 21, 1916, which prays for an order authorizing *nunc pro tunc* the issuance of said \$57,500 face value of first and refunding mortgage thirty-year 5 per cent gold bonds at 96 per cent of their face value and accrued interest. Now therefore, upon the foregoing record,

Ordered: That the issuance and sale by the Central Hudson Gas and Electric Company at 96 per cent of their face value and accrued interest on November 20, 1914, of \$21,000; on December 14, 1914, of \$24,000; and on January 28, 1915, of \$12,500 of bonds, making an aggregate amount of \$57,500 face value of first and refunding mortgage 30-year 5 per cent gold bonds, is hereby authorized *nunc pro tunc*.

[Case No. 3090]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of NEW YORK TELEPHONE COMPANY against PORT JEFFERSON ELECTRIC LIGHT COMPANY as to dangerous condition of the poles and lines in Port Jefferson.

Since the filing of the complaint by the New York Telephone Company in this case concerning the dangerous condition of the pole lines of the Port Jefferson Electric Light Company, the matter has been followed actively by

the Commission. From the information which has been received by the Commission, it appears that the respondent has removed some of the causes for complaint and that it intends to continue the work until its lines are in proper condition. The complainant has notified the Commission that under all the circumstances it is willing to have its complaint closed. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 4369]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the termination by telephone corporations of contracts in existence September 1, 1910, pursuant to subdivision 4 of section 91 of the Public Service Commissions Law.

This is an investigation upon the initiative of the Commission relative to the so called "obsolete rates". From year to year this matter has been before the Commission, disclosing itself as soon as telephone corporations came within the jurisdiction of the Commission, when it became apparent that a large number of discriminations existed because they were legalized by section 91, subdivision 4, of the Public Service Commissions Law. This subject has ever since been under observation, particularly through a study of the special reports from the telephone corporations which have been required from time to time, and through the reports of the Commission's inspectors. The propriety of enforcing by order the immediate elimination of the discriminations referred to has been seriously considered, but the Commission became convinced that such action could not be taken without either bringing about unnecessary hardship to telephone subscribers in some localities or giving to one telephone corporation an undue advantage over another where competition existed. In the meantime, the matter has been followed up informally, and through persistent effort the old discriminatory contracts entered into before September 1, 1910, and the subsequent discriminations arising through change of schedules or sale of telephone properties have in the main been abolished except in the western end of the State, where active competition still exists. While not improbably it may become necessary for the Commission to take further action in this matter at some later date, under existing conditions it appears inadvisable to undertake more than a continuance of the informal inquiry and study which has been mentioned. Therefore it is

Ordered: That this matter be closed, with the understanding that if and when, as a result of the continued informal observations or otherwise, it may appear necessary and proper so to do, the case shall be reopened.

[Case No. 4979]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of inquiry by the Commission relative to certain charges by the NEW YORK TELEPHONE COMPANY.

This is an investigation by the Commission upon its own motion relative to overtime charges on telephone calls collected by the New York Telephone Company in accordance with its filed tariff. Two informal complaints have been received from individuals alleging that these charges were unfair, and because of an apparent discrepancy in the schedule it seemed advisable that the Commission should make a general investigation of the subject. The New York Telephone Company offers to the public and its subscribers two classes of toll service which may briefly be described as follows:

First, what is known as the "particular person" call: that is, where the call is made for an individual by name. This service applies to all long-haul business and is the original basic plan for handling the toll business since the beginning of the telephone industry. For this service an initial rate is established for a three-minute conversation, and for each additional minute beyond the first three an additional charge is made according to a regular system.

The second class of service is known as "two-number" service: that is, the call is made by number instead of by name, and the operator records the two numbers: the number calling and the number called. This is a later development which has been found advantageous for short-haul business where the traffic is heavy and is a sort of rapid-fire system. By means of this kind of service a large bulk of traffic can be handled without delay, and the service is speeded up to the highest efficiency.

The basis of the complaint is found in the fact that the difference in rates between any two points where both classes of service are offered is not constant when the conversation extends beyond the initial period: that is to say, if there is a difference of ten cents for the first three minutes, the difference for a four-minute conversation may be fifteen cents, and the longer the period the greater the difference becomes, while for some distances and rates where both classes of service are offered the two work out in parallel and the differential for overtime remains constant. The elements involved in the making up of rates for these two classes of service involve a five-cent step or multiples of five cents between rates, an initial period of three minutes and overtime periods of one minute. With these elements alone to work with, the mathematical possibilities are limited, and it is impossible to expect a satisfactory and harmonious solution if the only object in view is to bring the two classes of service in parallel as regards the overtime charge. While it is not difficult to effect such a parallelism, the result is in itself arbitrary and not free from other objectionable features. Adoption of such an arbitrary system to take the place of that which is in general use throughout the country would appear to be too drastic a change; and whether the resultant advantage to the public would be sufficient to offset the ill effects of disrupting the established system is very doubtful.

After careful and painstaking consideration of all the evidence and other information accumulated in this case, the Commission does not find ground for justifying an order requiring the respondent to change its tariffs in the respects referred to. The case is accordingly closed upon the record.

[Case No. 5281]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK LEVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the LOOKPORT BOARD OF TRADE *against* THE NEW YORK CENTRAL RAILROAD COMPANY and INTERNATIONAL RAILWAY COMPANY as to better connections between passenger trains on said railroad at Burt, Niagara county.

This Commission having made a determination herein on the 10th day of October, 1916, that the respondents, The New York Central Railroad Company and the International Railway Company, be notified, by a service upon each of them of a copy of this determination, that this Commission requires and directs that the following repairs, improvements, changes, and additions shall be made at said crossing of the two railroads of the respondents at Burt, Niagara county, and that the same shall be made at the joint cost of said corporations, the division thereof to be agreed upon, fixed, and determined by an agreement between the said corporations to be made and entered into within thirty days from the time of the service of a copy hereof upon them, and that within the said period of thirty days the said corporations shall file with the Commission a statement that such an agreement has been made between them for a division or apportionment of the cost of such repairs, improvements, changes, or additions at said crossing.

That said repairs, improvements, changes, and additions for said interchange at said crossing are hereby specified as follows: A shelter house not less than 12 feet long and 8 feet deep shall be erected, placed, and maintained in the southeast corner of the land of The New York Central Railroad Company; that this shelter shall be closed on the west and south sides excepting for a doorway in the west side at the midpoint; that the roof of the overhanging type, common to such shelters, shall be provided with sufficient overhang to protect from storms from the east; that a stairway not less than 4 feet wide, with open treads and a suitable railing, be provided and maintained, which shall lead from the shelter house to a platform to be constructed at the foot of the slope of the cut on the International railway, such platform to be not less than 25 feet in length and 6 feet in width; that the platform be located at such point as will be best suited to the operating and physical conditions on the International railway, but that the stairs shall be located as near the southerly line of the right of way of the New York Central as possible, in order that the number of steps shall be kept to a minimum; that a cinder path not less than 4 feet in width be constructed from the shelter house westerly along the southerly right of way line of the New York Central railroad, and north thereof until it connects with the present walk now in existence just west of the water tank; that this cinder path be properly constructed by rolling or tamping into place; sufficient space should be left between the south side of the shelter house and the southerly right of way line of the New York Central in order that the cinder path may be constructed between them, thereby affording access to the stairway without passing through or around the shelter house.

And a copy of such determination having been duly served upon each of said respondents, but that within the period therein prescribed there was no statement filed with the Commission that an agreement had been entered into between said corporations for the division and apportionment of the cost of the repairs, improvements, changes, or additions required to be done by the said

determination; the said respondent The New York Central Railroad Company has filed with the Commission its stipulation dated November 18, 1916, whereby the said respondent waives any further notice herein and consents that the Commission may proceed to fix and apportion the respective amounts to be paid by The New York Central Railroad Company and the International Railway Company for the making of said repairs, improvements, changes, and additions; and the said respondent International Railway Company has also filed with the Commission its stipulation waving the holding of any further hearing herein and expressly agrees to proceed with the work of such improvements upon receipt of the order of this Commission so fixing the proportion of the costs and expense thereof. It is therefore hereby

Ordered: 1. That the respondent The New York Central Railroad Company forthwith make, execute, and deliver to the respondent International Railway Company a written lease or permit, for a nominal consideration, of a plot of land between its railroad tracks and the southerly right of way line of the New York Central railroad, at or near its junction with the westerly right of way line of the International Railway Company, sufficient for and upon which shall be erected by the International Railway Company, as hereinafter provided, a shelter house; and that the respondent The New York Central Railroad Company shall also forthwith construct a cinder path not less than 4 feet in width for the distance from said shelter house westerly along the southerly right of way line of said The New York Central Railroad Company until it connects with the present walk now in existence just west of the water tank of The New York Central Railroad Company and leading to the present station of said company; that said cinder path be constructed in a good and substantial manner by rolling and tamping the material into place; sufficient space shall be left between the south side of the shelter house and the southerly right of way line of The New York Central Railroad Company in order that the cinder path may be constructed between them thereby affording access to the stairway without passing through or around the shelter house.

2. That the respondent International Railway Company forthwith construct a shelter house not less than 12 feet long and 8 feet deep in the southeast corner of the land of The New York Central Railroad Company for which the above mentioned permit or lease shall be executed and delivered by The New York Central Railroad Company to the International Railway Company as above provided; that this shelter house shall be closed on the west and south sides excepting for a doorway in the west side at the midpoint; that the roof thereof shall be of the overhanging type, common to such shelters, and shall be provided with sufficient overhang to protect from storms from the east; that a stairway not less than 4 feet wide, with open treads and a suitable railing, be also constructed and provided by said International Railway Company, which shall lead from the shelter house to a platform to be constructed by said International Railway Company at the foot of the slope of the cut on the International Railway Company's right of way, and on the westerly side of its tracks, and such platform to be about 25 feet in length and 6 feet in width; that said platform be located at such point as will be best suited to the operating and physical conditions on the International railway, but that the stairs shall be located as near the southerly line of the right of way of the New York Central as possible, in order that the number of steps shall be kept to a minimum; that the material to be used by the International Railway Company in all such construction shall be determined by said company.

3. That all of the cost and expense of said cinder path shall be borne by The New York Central Railroad Company; and all of the cost and expense of said shelter house, stairway, and platform shall be borne by the said International Railway Company.

4. That all of said repairs, improvements, changes, and additions herein provided for shall be completed on or before the 23rd day of December, 1916.

[Case No. 5615]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
 DEVOE P. HODSON,
 WM. TEMPLE EMMET,
 FRANK IRVINE,
 JAMES O. CARR,
 Commissioners.

In the matter of the DUFFNEY BRICK COMPANY of Mechanicville, N. Y., and TROY BRICK COMPANY, INC., against BOSTON AND MAINE RAILROAD; THE DELAWARE AND HUDSON COMPANY; THE NEW YORK CENTRAL RAILROAD COMPANY for itself and as lessee of the West Shore Railroad; FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY, as to freight rates on common building brick.

Amendatory
 order.

Ordered: That the provision of ordering clause 2 of the order of this Commission of November 23, 1916, in this case be and is hereby amended so that the new tariffs therein referred to shall be filed on or before December 20, 1916, instead of within ten days from the date of the entry of said order of November 23, 1916.

[Case No. 5639]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
 DEVOE P. HODSON,
 WM. TEMPLE EMMET,
 FRANK IRVINE,
 JAMES O. CARR,
 Commissioners.

In the matter of the Petition of BLACK LAKE TELEPHONE LINES, INC., under section 99, Public Service Commissions Law, as to construction and certificate of public convenience and necessity.

This Commission having by letter dated July 26, 1916, informed this petitioner that it is unnecessary for the Commission to issue a certificate of public convenience and necessity to it, it having been formed to take over an already existing telephone system theretofore owned and operated by individuals, it is

Ordered: That this case is hereby closed on the records of the Commission.

888 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5665]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under section 27 of
the Public Service Commissions Law of HARRY
JACKSON of Newburgh *against* ERIE RAILROAD COM-
PANY, asking for a sidetrack and switch connection
for his coal yard.

The Erie Railroad Company having filed with the Commission a request
for a rehearing of this case, and a vacation of the order entered herein on
the 23rd day of November, 1916; and an examination of the written applica-
tion for such a reopening having disclosed the fact that it sets forth no
grounds for the Commission to base its action upon other than those which
were originally presented to the Commission by the Erie Railroad Company
in opposition to the application of the petitioner herein for sidetrack facili-
ties; and the Commission being of the opinion that no useful end would be
served by an immediate reconsideration of these several questions to which
very full consideration was given by the Commission prior to the making
of its said order of November 23, 1916; it is hereby

Ordered: That this application for a stay, rehearing, and vacation of
the Commission's order of November 23, 1916, in the above entitled proceed-
ing be and the same hereby is denied.

[Case No. 5691]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of December 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the AUSABLE ELECTRIC
LIGHT AND POWER COMPANY under section 69 of Pub-
lic Service Commissions Law for authority to issue
\$15,000 common capital stock.

Petition filed September 21, 1916; petition filed August 24, 1916 (case No.
5692); answer of Northern Adirondack Power Company to said petition filed
September 21, 1916 (case No. 5692); hearing held September 21, 1916 (case
No. 5692); brief for petitioners filed October 6, 1916 (case No. 5692); brief
for Northern Adirondack Power Company filed October 13, 1916 (case No.
5692); Opinion of Commission (case No. 5692); order entered November 16,
1916 (case No. 5692).

The application of the Ausable Electric Light and Power Company in
this proceeding is for authority to issue \$15,000 par value of common capital

stock and to use the proceeds realized from the sale thereof at par for the following purposes:

(a) For the purchase and acquisition from the J. & J. Rogers Company of its franchise, together with all the right, title, and interest of said company in and to the poles, wires, and electrical equipment in the town of Jay, N. Y.....	\$10,000
(b) For new and additional electrical and office equipment to meet the present demands and probable extensions in the future.....	5,000
	<hr/> \$15,000

Under date of August 24, 1916, in case No. 5692, the J. & J. Rogers Company and the Ausable Electric Light and Power Company filed a joint petition for consent to the former to sell and to the latter to acquire the franchises, works, and system of an electric plant owned by the J. & J. Rogers Company situate in the town of Jay, Essex county, New York. By order dated November 16, 1916, such joint petition was denied. Now therefore, upon the foregoing record,

Ordered: That the application of the Ausable Electric Light and Power Company for permission to issue \$15,000 per value of common capital stock is hereby denied.

[Case No. 5738]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law (chapter 564, laws 1915), for consent to discontinue its station at Murdoch's Crossing, Orleans county, it being proposed to locate the station at another point.

The New York Central Railroad Company applies for permission to discontinue its station at Murdoch's Crossing and substitute therefor a station at a point where Marshall's road crosses the line of the Ontario division of the New York Central railroad, about two-thirds of a mile east of the present Murdoch's Crossing station. A hearing was held at Rochester November 29th, at which Harris, Beach, Harris & Matson, by Mr. Beach, appeared for the applicant; and Messrs. Henry Devonshire, Harry Johnson, Wallace Weld, and Charles Zanrow, residing in the neighborhood, also appeared on behalf of the application; and no one appeared in opposition. It was proved that Murdoch's Crossing is a station primarily for the shipment of milk, there being no structure except a milk platform. One milk train each way per day stops, and incidental to the milk business receives and discharges passengers. The passenger business is almost negligible, and the milk now handled comes from points much nearer the proposed new station. The object of the proposed change is in fact to accommodate the milk shippers, practically the only patrons of the station. It is therefore

Ordered: 1. That the permission of the Commission be and the same hereby is given to The New York Central Railroad Company to discontinue the station at Murdoch's Crossing by substituting therefor a new station, similar in character, at a point where Marshall's road crosses the Ontario division of said railroad.

2. That The New York Central Railroad Company be and hereby is granted permission to make necessary changes in its tariff publications to become effective December 15, 1916.

890 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5742]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the HUDSON CITY
TAXICAB COMPANY, INCORPORATED, for authority to
issue common capital stock.

Petition filed October 16, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance and sale at par on December 14, 1914, and October 6, 1915, by the Hudson City Taxicab Company, Inc., of 15 shares, each of the par value of \$100, aggregating a par value of \$1500, of its common capital stock, and the use of the proceeds realized from the sale thereof in part payment for the equipment listed in clause No. 3 of this order, are hereby authorized *nunc pro tunc*.

2. That the Hudson City Taxicab Company, Inc., is hereby authorized to issue an additional 15 shares of common capital stock, aggregating a par value of \$1500, which shall be sold for not less than its par value, to give net proceeds of \$1500.

3. That such stock of the par value of \$1500, or the proceeds thereof to the amount of \$1500, shall be used solely and exclusively for the purchase of the following equipment:

4 Ford taxicabs	\$2,400.00
1 Ford bus	400.00
1 Dodge "All Weather" car.....	900.00
	<hr/>
	\$3,700.00
Less proceeds of stock already issued for this purpose, which issuance is herein ratified.....	1,500.00
	<hr/>
	\$2,200.00

Amount unprovided for..... \$700.00

4. That the Hudson City Taxicab Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for the purpose specified herein during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of the stock herein authorized to be issued shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of the stock herein authorized was and is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5789]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Application of S. WANDER & SONS' CHEMICAL Co., Inc., under section 53, Public Service Commissions Law, for permission to construct, and approval of a franchise from the City of Albany to construct, a single-track siding at grade in Church street in said city.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by S. Wander & Sons' Chemical Co., Inc., for permission to construct a switch and sidetrack in Church street, Albany, connecting with The Delaware and Hudson Company's railroad in said street, and reaching petitioner's chemical factory on said street; and a public hearing on said petition, after due notice, having been held in Albany on November 29, 1916, at which the petitioner and The Delaware and Hudson Company were represented and none others appeared; and it appearing that petitioner has received a franchise from the City of Albany for such purpose; and this Commission hereby determining that such construction and exercise of said franchise are convenient for the public service; and it appearing that the actual construction will be done by The Delaware and Hudson Company, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves construction at grade by S. Wander & Sons' Chemical Co., Inc., or The Delaware and Hudson Company, of a switch and sidetrack from a point in The Delaware and Hudson Company's track in Church street, in the city of Albany, about 105 feet south of Mulberry street, northerly through Church street on the westerly side of Church street, and across Mulberry street at grade, to the south line of Rensselaer street; and hereby permits and approves the exercise by The Delaware and Hudson Company of a franchise therefor from the City of Albany which was bought by S. Wander & Sons' Chemical Co., Inc., at auction, and which franchise was passed by the common council of the city October 2, 1916, and approved by the mayor October 10, 1916, copy of which franchise, certified by the city clerk to be a true copy, is filed with the Commission with the papers in this case; on condition, however, that each movement of a locomotive engine or a car or cars across Mulberry street shall be preceded by a flagman on foot who shall warn wayfarers on Mulberry street of such movement.

892 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5807]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of an Inquiry by the Public Service Commission for the Second District of the State of New York as to the reasonableness of the notice given by THE DELAWARE AND HUDSON COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY of changes in the timetables effective December 4, 1916, relative to the belt line service between Albany and Troy.

It having been brought to the attention of this Commission that The Delaware and Hudson Company and The New York Central Railroad Company have made radical changes in the number and method of operation of the belt line trains between Albany and Troy beginning on December 4, 1916, an inquiry in reference thereto was instituted by the Commission beginning on December 4, 1916, and continuing on December 5, 1916. At the request of the Commission, representatives of the two railroad companies involved appeared before it at its office in Albany on December 5, 1916, for the purpose of presenting the facts in the matter to the Commission. The trains on the belt line between Albany and Troy have been in operation by The Delaware and Hudson Company and The New York Central Railroad Company and their predecessors since about 1881, pursuant to an agreement covering such operation. For many years the two companies have provided trains for the accommodation of passengers to and from Albany and Troy and stations intermediate thereto every half hour for about eighteen hours per day. The Delaware and Hudson Company operated such trains from Albany to Troy on the east side of the Hudson river and back to Albany on the west side of the river, and The New York Central Railroad Company operated its belt line trains in the reverse direction. On December 4, 1916, many of the trains which had theretofore been operated over the belt line were discontinued, other operating changes were made, and no notice to the public was given earlier than the afternoon of Friday, December 1, 1916. As a result, many of the people who had been in the habit of using these trains almost daily were not advised as to the proposed drastic changes in the operation of these trains and were seriously discommoded and inconvenienced. Altogether, about twenty-six changes were made in the timetable relating to the trains of The Delaware and Hudson Company and about twenty-five in that relating to the trains of The New York Central Railroad Company. That this was bound to cause a great deal of inconvenience and annoyance to the traveling public must be admitted when taken in conjunction with the fact that no proper and adequate notice was given of the proposed changes. This service having been in operation for so many years without change undoubtedly justified the traveling public in Albany and Troy and stations intermediate thereto in relying upon the usual operation until notice of the radical changes proposed was brought to its attention. It has been the custom in the past for the two companies which are involved to notify the Commission about one week in advance of any proposed changes in operating schedules and to give similar notice to the public. The intent of this is apparent. It is for the purpose of enabling the public properly to adjust itself to the changes, to make protest to this Commission if such changes will apparently cause hardship or inconvenience, and to advise the Commission so that it may make any suggestions which seem to it pertinent with reference thereto. As a matter of fact, the representatives

of The Delaware and Hudson Company had discussed to some extent with this Commission a proposed curtailment of the belt line service but no definite recommendation was made by the representatives of the Commission concerning such changes. Both of the railroad companies had under discussion for some time prior to December 1st the question of reducing this service, and in fact agreed upon the schedule now in force on November 29, 1916, and had tentatively agreed to it on November 24th. Notwithstanding this fact, however, no notice was given to the public nor was any attempt made to give any prior to the afternoon of December 1st. No effort was made to call this important matter to the attention of patrons of the road in a noticeable way or through the medium of the public press; and in fact, it would almost seem from the evidence taken upon the hearing that it was the desire not to take the public into the confidence of the railroads with regard to the proposed changes. From the knowledge of the situation which has come to the Commission through the investigation made by its representatives and upon the hearing, it is our opinion that this was a most high-handed proceeding and in absolute disregard of the rights of the public and the duty which common carriers owe to the public to give reasonable and adequate service. To change a service of this character which had been in operation for so many years without giving the fullest publicity to the proposed radical and important changes in the operation of the belt line trains is, we believe, inexcusable, and a most positive demonstration of the disregard of the rights of the public and ought not to be permitted to pass without severe censure. Many complaints have been made to the Commission verbally and in writing concerning the changes in the timetables and the discontinuance of trains on the belt line and demanding that the service be restored as it was prior to December 4th. One of the purposes of instituting this inquiry was for the purpose of ascertaining if the Commission could properly and lawfully order a restoration of the service without proceeding to take testimony concerning all the facts pertaining to the operation of the belt line trains. We are constrained to believe that it is questionable whether we have such power, and for that reason such an order properly can not now be made. We are, however, convinced that it is our duty to proceed further in the matter and with all possible dispatch to determine whether or not we should order a restoration of the belt line service to what it was prior to December 4th. Inasmuch as the change which has been made in one respect has the effect of increasing the rates between Albany and Troy, the Commission felt that it was justified in asking the railroad companies to restore the former service pending the inquiry which it proposes to make. It therefore upon the hearing requested the representatives of each corporation to take that action pending the termination of the inquiry to be made by the Commission in this matter. This request was promptly acceded to by the representatives of The New York Central Railroad Company but The Delaware and Hudson Company stated that it would not comply with the request of the Commission. Under this state of affairs, therefore, notwithstanding the willingness of The New York Central Railroad Company to restore the service, it is unable so to do because of the refusal of The Delaware and Hudson Company to join in such operation. Therefore apparently there will be no voluntary changes made by the railroad companies in such operation, and therefore the present schedule will probably continue at least until the Commission shall make some order requiring a change.

It is proper for us to state that when this matter was first presented to the Commission by one of the complainants on the morning of December 2nd, the Commission formally requested The Delaware and Hudson Company to suspend the taking effect of the new schedules pending a hearing on the merits concerning the reduction in service, but this request was refused. Had it been granted, opportunity would have been afforded to investigate the question quickly and to determine whether or not such changes in service were justified. This might have been accomplished without any serious detriment to the companies involved and without causing serious inconvenience to the people who depend upon this service.

The situation that has been presented to the Commission in this case shows conclusively that much trouble and inconvenience may be caused to the

traveling public by the arbitrary acts of a railroad corporation. It may have been thought by some people that the days of such arbitrary acts had passed, but it is apparent to us from what has developed in this case that they have not. There is a way to remedy it, and that is for the Commission to require every railroad within its jurisdiction to file with the Commission the details regarding all changes in timetables at least seven days before the same are to go into effect, and to give similar notice to the public in a manner to be prescribed by the Commission. In that way the Commission would be informed of any changes which might cause inconvenience or annoyance to the public and have an opportunity to examine into the matter if such action appears to be justified. We are fully convinced that this is one matter relative to regulation which properly comes within the jurisdiction of the Commission, because this is something which is of much importance to the traveling public particularly when such radical changes are made as have been disclosed in the present case. An order should therefore be made providing for an immediate investigation into the subject of the adequacy and reasonableness of the service on the Albany-Troy belt line, and a date for an early hearing thereon fixed by the Commission.

[Case No. 5808]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

Inquiry instituted by the Commission, under section 26, subdivision 2 section 45, and section 51, Public Service Commissions Law, as to the adequacy and reasonableness of the passenger train service of The New York Central Railroad Company and The Delaware and Hudson Company from and to Troy and Albany and intermediate stations.

It appearing that on the 4th instant passenger train service of The New York Central Railroad Company and The Delaware and Hudson Company from and to Troy and Albany and intermediate stations was very materially reduced, and complaint being made to this Commission that such service is now inadequate and unreasonable, and this Commission having determined to enter upon an inquiry as to such service, it is

Ordered: That The New York Central Railroad Company and The Delaware and Hudson Company shall appear before this Commission at its office, No. 58 North Pearl street, in the city of Albany, on Monday, December 11, 1916, at 10:30 a. m., prepared to submit evidence of the number of passenger trains operated by each said companies, respectively, or in conjunction, on the 2nd day of December, 1916, and the number so operated on the 4th day of December, 1916, on the Albany and Troy belt line; giving the number of passengers carried from and to Troy and Albany and intermediate stations, amount of fares paid from and to Albany and Troy and intermediate stations, the cost of operating such trains including all items of expense which such companies may claim should be included therein, and such other evidence on this subject as said companies may claim is essential to enable this Commission to determine the question of whether or not adequate and reasonable service is now being given; and such other information as may be required by the Commission in this matter.

[Case No. 4970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NASSAU AND SUFFOLK LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue 5 per cent first mortgage thirty-year bonds under an existing mortgage.

Third
amendatory
order.

Under date of July 1, 1915, an order was entered in this proceeding authorizing the Nassau and Suffolk Lighting Company to issue and sell \$429,000 face value of 5 per cent 30-year first mortgage bonds and \$140,200 par value of common capital stock, the former to be sold for not less than 85 per cent of their face value and the latter for not less than its par value, and to use the proceeds realized from such sales for new construction purposes as enumerated in clause 5 of such order. Clause 12 of such order reads as follows: "12. That the proceeds of stocks and bonds herein authorized can be used only for expenditures made before December 1, 1915, on the specified additions, betterments, and extensions for which such proceeds are herein authorized."

On February 12, 1916, the company petitioned the Commission to extend the period during which the proceeds of the securities so authorized could be used, one year from December 1, 1915; and by a second amendatory order dated June 15, 1916, after hearing on the same date, such application was granted and the period was extended to December 1, 1916. As a result of testimony taken at a hearing held in New York city on the 8th day of December, 1916, it appears that the company still has certain uncompleted construction which it desires to continue to a conclusion, and it asks for a further amendment of the Commission's orders herein to extend the period during which the proceeds of such securities can be expended, one month from December 1, 1916. Now therefore, upon the foregoing record.

Ordered: That clause 12 of the order herein dated July 1, 1915, as amended on June 15, 1916, is hereby further amended to permit the use of the proceeds of stocks and bonds therein authorized only for expenditures made before January 1, 1917, on the specific additions, betterments, and extensions for which such proceeds were authorized.

[Case No. 4974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of PUBLIC SERVICE CORPORATION OF LONG ISLAND under section 69 of the Public Service Commissions Law for authority to issue \$138,750 in first mortgage 5 per cent gold bonds under an existing mortgage, and \$67,100 common capital stock.

Fourth
amendatory
order.

Under date of July 1, 1915, an order was entered in this proceeding authorizing the Public Service Corporation of Long Island to issue and sell \$377,000 face value of 5 per cent 30-year first mortgage bonds and \$107,000 par value of common capital stock, the former to be sold for not less than 85 per cent of their face value and the latter for not less than its par value, and to use the proceeds realized from such sales for new construction purposes as enumerated in clause 5 of such order. Clause 11 of such order reads as follows: "11. That the proceeds of stocks and bonds herein authorized can be used only for expenditures made before December 1, 1915, on the specified additions, betterments, and extensions for which such proceeds are herein authorized."

On February 12, 1916, the company petitioned the Commission to extend the period during which the proceeds of the securities so authorized could be used, one year from December 1, 1915; and by amendatory order dated August 24, 1916, after hearing held on August 16, 1916, such application was granted and the period was extended to December 1, 1916. As a result of testimony taken at a hearing held in New York city on the 8th day of December, 1916, it appears that the company still has certain uncompleted construction which it desires to continue to a conclusion, and it asks for a further amendment of the Commission's orders herein to extend the period during which the proceeds of such securities can be expended, one month from December 1, 1916. Now therefore, upon the foregoing record,

Ordered: That clause 11 of the order herein dated July 1, 1915, as amended on August 24, 1916, is hereby further amended to permit the use of the proceeds of stocks and bonds therein authorized only for expenditures made before January 1, 1917, on the specific additions, betterments, and extensions for which such proceeds were authorized.

[Case No. 4108]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS for a determination as to an alteration in the manner in which state highway No. 5346, six-tenths of a mile north of Remsen, crosses the tracks of The New York Central Railroad Company in the town of Remsen, Oneida county.

Ordered: That change statement submitted by The New York Central Railroad Company covering costs of extra work not included in the original contract, amounting in total to \$1500, incurred by the contractor for the excavation of the channel of Cincinnati creek, the construction of cofferdams, pumping, and draining, such extra work having been necessary to prevent flooding of and damage to adjacent lands, be and is hereby approved; said extra expenditure having been approved by the railroad corporation, and by the State Commission of Highways as shown by letter from the first deputy commissioner dated November 27, 1916.

[Case No. 4452]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE VILLAGE OF FLEISCHMANN'S, Delaware county, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY as to access to passenger station.

This matter has been before the Commission for over two years. Numerous efforts have been made by the Commission to have the case brought on for a hearing, but up to the present time no action in that direction has been taken by the complainants. Under all the circumstances therefore it would appear as though the case might properly be closed on the records of the Commission with the understanding that it may be reopened upon a proper showing. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of this Commission, subject to the right of the complainants to move to reopen the same at such time as they may desire to proceed further in this matter.

898 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5630]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of DR. V. MOTT PIERCE of Buffalo *against* ERIE RAILROAD COMPANY, asking for protection at grade crossings of said railroad and the state road between Buffalo and the village of Hamburg, Erie county.

This case was originally brought before the Commission on the complaint of Dr. V. Mott Pierce of the city of Buffalo, asking for protection at two grade crossings of the Erie railroad and the state road between the city of Buffalo and the village of Hamburg known as Whites Corners road, one of said crossings being at Big Tree and the other at Scranton road, they being about one thousand feet apart; the Erie Railroad Company answered said complaint, alleging that the said crossings are now protected by a standard crossing-sign and a crossing-alarm bell, and that no other or further protection should be required; a hearing was duly held in this case in the village of Hamburg on the 10th day of November, 1916, and an adjourned hearing was held on said crossings on the same day; at said hearings the original complainant appeared, and the Town of Hamburg was represented by William Kronenberg, supervisor, and other town officials; the Village of Hamburg was represented by R. W. Hengerer, its president, and various other officials and citizens; the Buffalo Automobile Association was represented by George C. Diehl, its president, and other members; and such original complaint was broadened so as to include the complaint of said automobile association and such municipalities; Mr. A. M. Hartung appeared as the attorney for the Erie Railroad Company, and several other officials of said company also appeared. Considerable proof was taken on said hearings, and the case was adjourned with the understanding that the respondent, Erie Railroad Company, would communicate with the Commissioner in charge within ten days as to some proposed means for the protection of both said crossings; the Commission is in receipt of a communication dated November 24, 1916, from the attorney for the respondent who appeared at said hearing, announcing that the company has determined to protect both crossings by day and night watchmen if that will be satisfactory to the complainants and the Commission; and the Commission having also received communications from said V. Mott Pierce, William Kronenberg, Mark H. Hubbel, and George C. Diehl, who are the representatives of all the complainants herein, expressing their satisfaction with the placing of said flagmen at both such crossings in the manner suggested by the respondent. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5678]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of EDWARD B. GUTHRIE
against RECEIVER, BUFFALO AND LAKE ERIE TRACTION
COMPANY, as to service rendered the public between
Wanakah and Buffalo.

This case was brought to the Commission upon the complaint of Edward B. Guthrie of the city of Buffalo, alleging that on many of the runs of the respondent's suburban cars in and out of Buffalo the same were overcrowded, which renders the service unsatisfactory and unreasonable. An answer herein was filed with the Commission on the 11th day of September, 1916, stating that any poor service complained of was wholly due to certain exigencies over which the management of the company had no control. The Commission appointed a hearing in this case which was held in the city of Buffalo on the 24th day of November, 1916, at which hearing Messrs. Kenefick, Cooke, Mitchell and Bass appeared as attorneys for the respondent, and there was no appearance on behalf of the complainant; but the attorney for the respondent stated that he had conferred with the complainant and an arrangement had been entered into whereby the respondent would avoid the overcrowding of cars in the future and in other ways improve the service upon its railroad which is an interurban trolley line running from the city of Buffalo to and beyond the city of Dunkirk, and that with these assurances the complainant had requested that this case be closed for the present. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the privilege however to the complainant or any other person to renew the said complaint at any time in the future, and that upon good cause shown this case will be reopened for further hearing.

900 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5702]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CANISTEO LIGHT AND POWER COMPANY, INC., under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Canisteo, Steuben county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received by Charles A. Larrowe from said village, consent to transfer of this franchise to the company being asked; also under section 69 for consent to execute a first mortgage and to issue \$10,000 in bonds to be secured thereby.

The Canisteo Light and Power Company, Inc., asks permission under section 68 of the Public Service Commissions Law to construct in the incorporated village of Canisteo, Steuben county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of a franchise therefor received by Charles A. Larrowe December 6, 1915, and transferred by him to said company. Consent to the transfer of said franchise from Larrowe to the Canisteo Light and Power Company, Inc., is also sought. A public hearing was held in the city of Elmira on November 27, 1916, at which L. J. Simpson, of Burrell & Simpson, and Charles A. Larrowe, president, appeared for the company; and Robert Bathmann for the State Highway Department. There was no appearance in opposition. The evidence shows that there is a demand for electric service in said village which the petitioner desires to meet. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service; and it is

Ordered: 1. That the permission and approval of the Commission be given to Canisteo Light and Power Company, Inc., under section 68 of the Public Service Commissions Law, to lay, erect, construct, and maintain suitable wire, conduits, and other conductors, with the necessary posts, appliances, and fixtures in such place or places, upon, over, or under the streets, avenues, alleys, and public parks and other places in the village of Canisteo, Steuben county, for the purpose of light, heat, and power.

2. That the permission and approval of the Commission be given to said Canisteo Light and Power Company, Inc., to acquire a franchise granted by the board of trustees of the Village of Canisteo to Charles A. Larrowe December 6, 1916, and to the exercise of said franchise, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commission of Highways.

[Case No. 5703]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of RESIDENTS OF FREDONIA *against* J. A. RITCHIE of Buffalo, alleging that steam is no longer intended to be furnished from a plant under his control.

A petition was filed with the Commission in this case on the 14th day of September, 1916, variously signed by residents of the village of Fredonia, asking the Commission to require the respondent, Central Station Steam Heating Company of Fredonia, to furnish steam heat in sufficient quantities for their uses and purposes to the petitioners and such other residents of the village of Fredonia requesting the same; and that on the 26th day of September, 1916, the respondent filed its answer to the said petition alleging that the true name of the respondent is Central Station Heating and Construction Company, which formerly operated a franchise for steam heating purposes in the village of Fredonia; that the property of said company was sold pursuant to judicial proceedings to William E. Carroll and Samuel S. Carroll many years ago; that they continued to exercise said franchise until the Winter of 1915-1916; that said business was not profitable, and that and other reasons caused the owners of said business to sell said plant to J. A. Ritchie, who continued to operate the same at a loss for the accommodation of the residents of Fredonia during the remainder of the Winter of 1915-1916; but immediately upon the return of warm weather in the year 1916 the plant was closed down and arrangements made for dismantling the same, and all customers were notified that steam would no longer be furnished; a hearing was set in this case by the Commission, and the same was held in the city of Dunkirk on the 27th day of November, 1916, at which hearing Messrs. Williams, Minard, and Howell of Buffalo, N. Y., appeared as attorneys for the respondent; and there was no appearance on behalf of any of the complainants; and after waiting for upward of an hour for any such appearance the Commissioner in charge closed the hearing. It is therefore

Ordered: That the prayer of the petitioner herein be and the same hereby is denied, and this case is hereby closed upon the records of the Commission.

902 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5745]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of DE VENE VROOMAN under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses on a route in the city of Watertown, it being proposed that the route shall also be operated between Watertown and the incorporated village of Lowville, Lewis county.

DeVene Vrooman asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Lowville, Lewis county. The consent of the municipal authorities of the City of Watertown was granted March 24, 1916, subject to certain terms and conditions. A public hearing was held in Syracuse December 4, 1916, at which Mr. Vrooman appeared for himself. There was no appearance in opposition. Now, therefore, the Commission hereby certifies that public convenience and necessity require the operation by DeVene Vrooman of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, from the Public Square in the city of Watertown to and along State street and the improved street highway leading to the village of Copenhagen, to be operated only as a part of a route from the city of Watertown to the incorporated village of Lowville, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5764]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of LELAND A. HAZARD of North Evans, Erie county, *against* NEW YORK TELEPHONE COMPANY as to increase in rate and removal of telephone.

In this matter, the company having answered "Mr. Hazard has been interviewed, informed of the change, and offered telephone service, to be furnished from the Hamburg central office on a rural line basis at twelve dollars (\$12) per annum. He accepted the offer, signed an application providing for the

above mentioned class of service, and further stated that he considered this disposition of the complaint satisfactory and would communicate with your Commission requesting that his complaint be withdrawn"; and attorney complainant having informed the Commission that the telephone has been replaced and the complaint satisfied, it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 5780]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of EDMUND L. YOUNG under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Binghamton, it being proposed the route shall also be operated between Binghamton and the hamlets of North Fenton, Broome county, and Coventry Corners, Chenango county.

Edmund L. Youngs asks for a certificate of convenience and necessity for the operation of a stage route by auto busses under the name of North Fenton Stage Line over certain streets in the city of Binghamton as a part of a route to be operated between Binghamton and the hamlets of North Fenton, Broome county, and Coventry Corners, Chenango county. The consent of the common council of the City of Binghamton was granted November 6, 1916, and approved by the mayor November 13, 1916. A public hearing was held in Syracuse December 4, 1916, at which G. M. Willsey, of Jenkins, Deyo & Hitchcock, appeared for the applicant. The Binghamton Railway Company, operating a street car system in the city of Binghamton and to the village of Port Dickinson adjacent thereto, appeared by Mr. Thomas J. Keenan, but interposed no objection to the granting of the certificate, because the petitioner states in his application that "he does not propose to carry passengers from any point reached by said street car line to any other point reached by said street car line, or its connections, nor to take on passengers at a point within the city of Binghamton whose destination is any other point within the city of Binghamton," and "there would be no competition between the said stage route and the Binghamton Railway Company". Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Edmund L. Youngs of a stage route by auto busses as provided in the consent heretofore granted by the mayor and common council of the City of Binghamton, a copy whereof is attached to the petition herein, over and along Chenango street between the Courthouse Square and the corporate limits of the city of Binghamton, and over such other streets, avenues, and public places in the city of Binghamton as may be necessary to call for and to take on passengers and freight for transportation, to be operated only as a part of a line from the city of Binghamton to the hamlets of North Fenton and Coventry Corners, but not to carry passengers locally from one point to another point within said city of Binghamton. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Binghamton and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

904 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5793]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY under section 98, Railroad Law, as to one of its sidetracks crossing a sidetrack of The Delaware and Hudson Company, and as to two of its sidetracks crossing a track of the United Traction Company, in the lumber district, Albany.

A petition under section 98 of the Railroad Law having been filed with this Commission by Municipal Gas Company of the City of Albany for a determination of how sidetracks to be constructed by it from its new electric power plant in the lumber district in Albany shall cross a single track main line of the United Traction Company and a single track siding of The Delaware and Hudson Company; and a public hearing on said petition, after notice by advertisement and to the State Superintendent of Public Works, the mayor of Albany, and said railroad companies, having been held in Albany on December 11th, at which Neile F. Towner appeared for the petitioner; John E. MacLean appeared for The Delaware and Hudson Company; Charles F. Hewitt appeared for the United Traction Company; and no one else appeared; and it appearing that said sidetracks are to be used for traffic to and from said power plant; and it appearing that the sidetracks and crossings are to be entirely on land owned by the petitioner except that one which will connect by switch with The Delaware and Hudson Company's sidetrack will be on state land for a distance of about 87 feet; and it appearing that the United Traction Company track is to be moved several feet to the east of its present location; and the Commission being of the opinion that these crossings may properly be permitted at grade, it is

Ordered: That this Commission, under section 98 of the Railroad Law, hereby determines (1) that a single sidetrack proposed to be constructed by Municipal Gas Company of the City of Albany from its new electric power plant in the lumber district, in Albany, to a connection with a sidetrack of The Delaware and Hudson Company, shall cross at grade a single track main line of the United Traction Company at a point shown on a map attached to the petition in this case, except that the said track of the United Traction Company is to be moved several feet to the east of its present location; (2) that another single sidetrack proposed to be constructed by Municipal Gas Company of the City of Albany from its new electric power plant in the lumber district to the Hudson river shall cross at grade the same single track main line of the United Traction Company at another point shown on said map, except that the said track of the United Traction Company is to be moved several feet to the east of its present location; and that this single sidetrack of the Municipal Gas Company of the City of Albany shall cross at grade a single sidetrack of The Delaware and Hudson Company at a point shown on said map; (3) that the entire expense of making said crossings and of properly maintaining them in the future shall be paid by Municipal Gas Company of the City of Albany.

[Case No. 5810]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the complaint of the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA *against* THE TERMINAL RAILWAY OF BUFFALO on account of the insufficient and inadequate drainage facilities upon the bridges over its gravity yards in the town of Cheektowaga, such railway having been consolidated with The New York Central Railroad Company.

The complaint herein was lodged with the Commission December 11, 1914, and alleges that there are various defects in the construction of the bridges carrying the highways of the town of Cheektowaga over the gravity yards of the respondent, and particularly with reference to drainage facilities on said bridges and approaches to the same; such bridges and approaches were constructed by the respondent under and pursuant to an order of the Board of Railroad Commissioners, the predecessor of this Commission; hearings were had in the city of Buffalo on several occasions, at which proof was presented by the complainants and respondent as to the construction of said bridges and approaches and the drainage facilities thereof, and the proceedings were continued from time to time so that the respective parties might confer with reference to the same and remedy any defects that might exist; it now appears from written communications from the parties, which are on file with the Commission, that such drainage facilities are now adequate and sufficient, the same having been repaired and replaced by the respondent. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5817]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the DUNKIRK DISTRIBUTION COMPANY, an electrical corporation; and the DUNKIRK POWER AND HEATING COMPANY, a steam corporation, for permission to amend schedules of rates increasing the rates and charges for service furnished.

The petitioners, Dunkirk Distribution Company, an electrical corporation; and the Dunkirk Power and Heating Company, a steam corporation, ask permission to amend their schedules of rates to be charged their respective customers as of date December 1, 1916. The proposed new rates sought to be established represent an increase over present rates of approximately one

hundred per cent. It is shown in the petition that the present rates do not yield revenue sufficient to cover the furnishing cost, and that upon this situation having been brought by these corporations to the attention of their customers, each such customer has agreed to pay for service furnished them on and after December 1, 1916, on basis of the increased rates proposed. It is unnecessary to act upon the application of the Dunkirk Power and Heating Company because no order has been made by the Commission with reference to the rates of said company pursuant to the provisions of section 80 of the Public Service Commissions Law. Upon consideration of all the facts and circumstances herein, it is

Ordered: 1. That the petitioner, Dunkirk Distribution Company, be and is hereby authorized to amend its general schedule for electricity, P. S. C., 2 N. Y., No. 1, so as to provide that its rates and charges for services rendered or to be rendered on and after December 1, 1916, will be increased approximately one hundred per cent.

2. That said rate changes may be stated by the Dunkirk Distribution Company in a schedule to be issued as supplement No. 1 to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, and such supplement may show effective date as of December 1, 1916, and bear the following notation: "Issued by authority of the Public Service Commission, Second District, State of New York, order dated December 12, 1916, in this matter."

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 14th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Ordered: 1. That the second intermediate accounting entered into by The New York Central Railroad Company with the Village of Bronxville and this Commission, showing expenditures to the amount of \$51,156.36 properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$51,022.36 has been expended by the railroad corporation and the sum of \$134.30 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted by the Village of Bronxville as indicated by the signature of its village president.

2. That of the total amount of \$51,156.36 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$25,578.18, the share of the Village of Bronxville is the sum of \$12,789.09, and the share of the State of New York is the like sum of \$12,789.09, upon which however it is entitled to a credit of \$134.30 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the elimination of grade crossings the sum of \$12,654.79.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 14th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Upon the recommendation of The New York Central Railroad Company as indicated by a letter dated November 21, 1916, from the manager of Grand Central Terminal Improvements, for the reconstruction of an old wall along the north side of the Pondfield road east of the tracks, the approval of a plan therefor, and the letting of a contract for such reconstruction; and upon the recommendation of the village as similarly indicated by a letter dated December 7th from the village president; said work (which could not heretofore be anticipated) being necessary on account of the required depression of the Pondfield road, and is not included in the original contract for the crossing elimination work; it is

Ordered: 1. That the reconstruction of said wall be authorized.
2. That the plan showing said reconstruction be and it is hereby approved.
3. That approval to the award of the contract to Stefano Luciano, on the basis of the proposal submitted by him, said proposal resulting in the lowest total cost, estimated at \$460, be given.

[Case No. 5185]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 14th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE DELAWARE AND HUDSON COMPANY for authority under section 55 of the Public Service Commissions Law to issue \$14,451,000 of it 5 per cent twenty-year convertible gold bonds dated October 1, 1915, and maturing October 1, 1935.

Supplemental
order.

Petition filed September 16, 1915; hearings held September 27 and 30, 1915; report of division of capitalization dated September 27, 1915; proof of approval of issue of stock at stockholders' meeting held September 30, 1915, filed September 30, 1915; order entered September 30, 1915; supplemental petition filed July 7, 1916; report of division of capitalization dated December 2, 1916. By order herein dated September 30, 1915, The Delaware and Hudson Company was authorized to issue and sell for not less than their

face value 5 per cent 20-year convertible gold bonds dated October 1, 1915, in the amount of \$14,451,000, and to use the proceeds realized from the sale thereof for purposes set forth in clause No. 3 of such order, as follows:

(a) To refund an issue of 4% 10-year gold debentures maturing June 15, 1916, of an original issue of \$14,000,000, of which there are at present outstanding to be refunded.....	\$13,973,000
(b) To pay the commission and expenses of the syndicate underwriting this issue and also the actual and necessary expenses of the bankers in connection with this underwriting.....	361,275
	<hr/> \$14,334,275

Clause No. 4 of such order reads "That the remaining balance of proceeds of these bonds to amount of \$116,725 shall be held unexpended by the petitioner herein until specific authorization to expend the same shall have been hereafter granted by this Commission, after application so to do shall have been made and satisfactory proof shall have been submitted to it of the reasonableness and necessity therefor."

By supplemental petition filed under date of July 7, 1916, the company asks for permission to use such remaining balance of proceeds amounting to \$116,725 for the reimbursement of its treasury for expenditures from income for capital purposes from September 30, 1913, to March 31, 1916. Such application has been referred to the Commission's division of capitalization and its report thereon is dated December 2, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Delaware and Hudson Company is hereby authorized to use the \$116,725 realized from the sale of \$14,451,000 face value of 5 per cent 20-year convertible gold bonds dated October 1, 1915, for the reimbursement of its treasury for moneys actually expended from income for the acquisition of fixed assets during the period from September 30, 1913, to March 31, 1916, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.

2. That The Delaware and Hudson Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing the amount used for the purpose specified herein during such period of the proceeds of the bonds heretofore authorized in this proceeding. Such reports shall continue to be filed until the proceeds of such bonds aggregating \$116,725 shall have been used in accordance with the authority contained herein, and if during any period no such proceeds were used the report shall set forth such fact.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the bonds heretofore authorized herein is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5410]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SARAH POMEROY
against THE OULBOUT VALLEY TELEPHONE COMPANY.

Counsel for the complainant herein having informed the Commission that the telephone service, refusal to supply which was the ground of complaint, is now being supplied, and that the complaint is therefore satisfied, it is

Ordered: That the case be and the same hereby is closed on the records of the Commission.

[Case No. 5498]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NUNDA ELECTRIC LIGHT COMPANY, INC., under sections 68, 69, and 70 of the Public Service Commissions Law. Also, Petition of the NUNDA CASKET COMPANY.

The Nunda Electric Light Company, Inc., asks for the approval *nunc pro tunc* of the transfer to it of the franchise, works, and system formerly belonging to the Nunda Casket Company, for the approval of certain franchises granted to the present applicant, and for permission to construct and operate thereunder an electric lighting and power system. For many years, and before the enactment of the Public Service Commissions Law, a partnership known as the Nunda Casket Company operated an electric light system in the village of Nunda, Livingston county. About January 1, 1915, The Nunda Electric Light Company, Inc., was incorporated, and the franchises, works, and system of the Nunda Casket Company were transferred to the corporation in apparent ignorance of the requirements of section 70 of the Public Service Commissions Law. Since then new franchises have been granted to The Nunda Electric Light Company, Inc., by the Village of Nunda, the Town of Nunda, the Town of Portage, and the Town of Genesee Falls, the last in Wyoming county. The purpose of this application, in addition to the validation of the transfer referred to, is to secure approval of the new franchises and to obtain permission to construct and operate in the municipalities mentioned, so that electric energy may be obtained from The Perry Electric Light Company in the town of Portage or in the town of Genesee Falls, in order that continuous and improved service may be given in the village of Nunda instead of the night-time service heretofore furnished; and incidentally that the hamlet of Dalton, in the town of Nunda, and other prospective customers in the municipalities granting the franchises may be served. Certified copies of the franchises are attached to the petition in the case. There is involved in the petition also a request for the authorization *nunc pro tunc* of \$10,000 capital stock of The Nunda Electric Light Company, Inc., issued in payment for the property acquired. There is also pending a separate application for authorization of additional stock for contemplated extensions and improvements. This application, in so far as it relates to the authorization of capital stock *nunc pro tunc*, is reserved for disposition in connection with such other application. It appears from the record that A. Cornwell and Sons are at present providing electric service in the hamlet of Portageville, in the town of Genesee Falls, and it is stipulated in the Genesee Falls franchise that the Nunda company shall not enter Portageville or enter into competition with A. Cornwell and Sons without their consent. It also appears that said Cornwell and Sons expect to purchase their current or a part thereof from the present applicant. It is therefore determined and stated that the construction of said plant and the exercise of said franchises are necessary and convenient for the public service; and it is

Ordered: 1. That the permission and approval of the Commission be given to The Nunda Electric Light Company, Inc., under section 68 of the Public Service Commissions Law, to lay, construct, maintain, and operate in the village of Nunda and the town of Nunda, Livingston county, in the town of Portage, Livingston county, and in the town of Genesee Falls, Wyoming county, suitable wires or other conductors, with necessary poles, wires, conduits, pipes,

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or other fixtures, for conducting electricity on, in, over, and under the highways, streets, avenues, public parks and places in the said village of Nunda, and towns of Nunda, Portage, and Genesee Falls.

2. That the permission and approval of the Commission be given to said The Nunda Electric Light Company, Inc., to exercise the rights and privileges conferred by said franchises granted by the president and trustees of the Village of Nunda March 14, 1916; by the town board and superintendent of highways of the Town of Nunda February 26, 1916; by the town board and superintendent of highways of the Town of Portage, Livingston county, March 7, 1916; and by the town board and superintendent of highways of the Town of Genesee Falls April 22, 1916; subject however to all the terms and conditions thereof.

3. That the permission and approval of the Commission be given *nunc pro tunc* to The Nunda Electric Light Company, Inc., to acquire the franchises, works, and system of the Nunda Casket Company, under section 70 of the Public Service Commissions Law.

4. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 5615]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the DUFFNEY BRICK COMPANY of Mechanicville, N. Y., and TROY BRICK COMPANY, INC., against BOSTON AND MAINE RAILROAD; THE DELAWARE AND HUDSON COMPANY; THE NEW YORK CENTRAL RAILROAD COMPANY, for itself and as lessee of the West Shore Railroad; FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY, as to freight rates on common building brick.

Amendatory
order.

Communications received from the Duffney Brick Company, one of the complainants in this case, indicate that officials of the Receiver of the Boston and Maine Railroad, one of the respondents therein, misconstrue the intent of this Commission's order herein of date November 23, 1916, as to rates to be established on brick shipments from Mechanicville, N. Y., to points on The Delaware and Hudson Company's railroad. In the Commission's Opinion preceding said order, the rates discussed were clearly stated as those applying to "road-haul" by two carriers. No reference was made to rates obtaining under a switching charge by one carrier and road-haul rate by another carrier, and it should not be implied that any such rates were to be disturbed. That there may be no misunderstanding as to the rates to be established under the Commission's order in the case, it is

Ordered: That the provisions of ordering clause 2 of order of this Commission of date November 23, 1916, in this case, as amended by its order therein of date December 6, 1916, be further amended and made to read as follows: 2. That the respondents shall, on or before December 20, 1916, file new joint tariffs on brick, in carloads, establishing commodity rates per ton of two thousand pounds to apply thereon on the following basis: (a) from Lansingburgh, N. Y., over the Boston and Maine Railroad to Troy, N. Y., and thence to all points on The Delaware and Hudson Company's railroad, and to

all points on the New York Central railroad to which The Delaware and Hudson and The New York Central Railroad Companies now have in force and effect commodity rates on brick, in carloads, applying from Troy, N. Y., rates not to exceed twenty (20) cents per two thousand pounds more than are the commodity rates on brick, in carloads, contemporaneously in force and effect from Troy, N. Y., via The Delaware and Hudson Company to points on its line, and via the New York Central railroad to points on its line; (b) from Mechanicville, N. Y., over the Boston and Maine Railroad via Troy, N. Y., or via Rotterdam Junction, N. Y., to all points on The New York Central Railroad Company, rates not to exceed the rates herein prescribed to apply from Lansingburgh, N. Y., to same destinations; (c) said extra charge of twenty (20) cents per two thousand pounds to cover transportation over any extra mileage which may be involved in shipments from Lansingburgh, N. Y., and Mechanicville, N. Y., and all switching charges and other services rendered in connection with the use of two railroads for such shipments.

[Case No. 5732]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SOUTH SHORE NATURAL GAS AND FUEL COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer to it of franchises, works, and system of a gas plant in Dunkirk, and of a franchise for laying gas pipe in a portion of the town of Brant, Erie county.

The South Shore Natural Gas and Fuel Company filed its petition in this case October 12, 1916, asking for approval under section 70 of the Public Service Commissions Law of a transfer to the petitioner by William E. Carroll of the franchises, works, and system formerly belonging to the Citizens Gas and Fuel Company of Dunkirk, and which were purchased by said Carroll in foreclosure proceedings against the said Citizens Gas and Fuel Company of Dunkirk some years ago; and the petitioner also asks for the approval of the assignment to the petitioner of a certain franchise granted September 7, 1910, by the authorities of the Town of Brant to R. G. Martin. A hearing was duly held in this case in the city of Buffalo on the 1st day of December, 1916, after a notice of said hearing had been given to all interested parties; and Messrs. Williams, Minard and Howell of Buffalo, attorneys, and Mr. J. A. Ritchie of Buffalo, the secretary and treasurer of the petitioner, appeared in support of this application; and there was no appearance in opposition thereto; on said hearing certain proofs and proceedings were taken and had whereby it satisfactorily appears that in the year 1866 an agreement was entered into between the Village (now city) of Dunkirk and John McDougall whereby the right was granted to the latter to construct, operate, and maintain gas pipes in and through the streets and public places of said village; and that subsequently E. C. Perry & Company of Dunkirk obtained said McDougall's rights to construct and operate said gas plant, although there is no record proof of that fact except that on the 4th day of December, 1900, an ordinance was passed by the City of Dunkirk, which is the successor of said municipality the Village of Dunkirk, reciting that the said E. C. Perry & Company are now the owners of all such rights and privileges theretofore granted to said McDougall, and authorizing the said E. C. Perry & Company to assign such rights and privileges to "a corporation, its successors and assigns"; that subsequently and in January, 1901, the said E. C. Perry & Company transferred all such gas

works, system, and franchises to the Citizens Gas and Fuel Company of Dunkirk, which latter company then became the owners thereof, and operated said plant down to about the month of December, 1911; when, pursuant to a judgment of foreclosure and sale duly granted by the Supreme Court of the State of New York, all of said gas works, system, and franchises of the said Citizens Natural Gas and Fuel Company of Dunkirk were sold, transferred, and delivered to William E. Carroll, who then being the principal stockholder in the petitioner, added said gas works, system, and franchises so obtained by him to the gas works, system, and franchises of the South Shore Natural Gas and Fuel Company, the petitioner herein; and on the 31st day of January, 1913, the said William E. Carroll formally transferred and conveyed all of the gas works, system, and franchises which he obtained on said foreclosure to the South Shore Natural Gas and Fuel Company, which latter company has ever since treated and operated said works and franchises as a part of its whole system, although there has never been any order of this Commission approving of said transfer or the operation of said franchise originally granted to John McDougall, and successively assigned as above set forth. But the petitioner claims that the action of the common council of the City of Dunkirk on the 4th day of December, 1900, recognizing and declaring that said gas works, system, and franchises in said city were then owned and operated by E. C. Perry & Company, and authorizing the transfer of the same to a corporation, which was afterwards done, is of itself the franchise which is here presented for approval by this Commission; moreover, it appears from proofs taken on said hearing that such ownership was further recognized by the common council of the City of Dunkirk on the 18th day of June, 1899, when the petition of said E. C. Perry & Company to supply natural gas in the city of Dunkirk under said franchise was duly granted.

As to the petition herein relating to the town of Brant, the proof shows that on the 10th day of September, 1910, the town board of the Town of Brant granted to R. G. Martin a franchise to lay gas pipe from the town line of Hanover, Chautauqua county, along the Erie road in the town of Brant to the corporate line of the village of Farnham, which said franchise was duly sold and transferred to this petitioner by Harrison E. Martin, as executor of the last will and testament of the said R. G. Martin, deceased, on the 2nd day of October, 1916, which said original franchise and the assignment thereof are marked as exhibits and filed with the papers in this case; and pursuant to said franchise gas pipes have been laid and are now being operated along said Erie road as a part of the works and system of the South Shore Natural Gas and Fuel Company.

And from all of such papers, proofs, and proceedings, it being determined that the several transfers of the two franchises hereinabove mentioned to the South Shore Natural Gas and Fuel Company, together with the exercise of such rights and privileges as accompany the same, are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law, permission and approval are hereby granted for the transfer to the petitioner herein by William E. Carroll of the gas works, system, and franchises of the Citizens Natural Gas and Fuel Company of Dunkirk, so called, which were conveyed and transferred by the said William E. Carroll to the petitioner herein on the 1st day of February, 1913.

2. That permission and approval are hereby granted to the said South Shore Natural Gas and Fuel Company to exercise all its rights and privileges under and pursuant to any permits, ordinances, or franchises granted by the Village of Dunkirk and the City of Dunkirk to John McDougall and E. C. Perry & Company and above described, and which have been transferred and assigned by said William E. Carroll to the petitioner herein.

3. That pursuant to the provisions of section 70 of the Public Service Commissions Law, permission and approval are hereby given for the transfer to the petitioner herein of the franchise granted to R. G. Martin by the Town of Brant on the 7th day of September, 1910, to lay gas pipe through the Erie road in said town, which franchise was conveyed and transferred to the petitioner herein by Harrison E. Martin, as executor of the last will and testament of R. G. Martin, deceased, on the 2nd day of October, 1916.

4. That permission and approval are hereby granted to the petitioner, South Shore Natural Gas and Fuel Company, to exercise all its rights and privileges under and pursuant to the said franchise in the town of Brant, which was so transferred and assigned to the petitioner by Harrison E. Martin, as executor of the last will and testament of R. G. Martin, deceased.

[Case No. 5765]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ITHACA TRACTION CORPORATION under section 55, Public Service Commissions Law, for authority to issue \$92,000 in first refunding mortgage 50-year 5 per cent gold bonds.

Petition filed November 3, 1916; supplemental petition filed November 14, 1916; report of transportation engineer dated December 5, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ithaca Traction Corporation is hereby authorized to issue \$92,000 face value of its 5 per cent 50-year first refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated April 1, 1914, given to the Columbia-Knickerbocker Trust Company (now Columbia Trust Company) as trustee, to secure an authorized issue of a total face value of \$2,000,000.

2. That said bonds of the total face value of \$92,000 shall be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$73,600.

3. That said bonds of the face value of \$92,000 so authorized, or the proceeds thereof to the amount of \$73,600, shall be used solely and exclusively for additions and betterments to the plant and property of the petitioner as follows:

(a) Enlargement of building for new boilers.....	\$15,000
(b) Two 410-hp. horizontal water tube boilers and settings.....	16,000
(c) Stokers and grates for above boilers of sufficient capacity to operate same at 200% of rating.....	10,600
(d) Induced draft fans for operating above boilers at 200% of rating.....	2,000
(e) Flues and dampers for above boilers.....	3,000
(f) Ash-hopper for above boilers.....	900
(g) One 3000-hp. feed water heater.....	1,000
(h) One boiler feed pump, 200 gallons per minute.....	1,200
(i) Piping for boilers, heaters, boiler feed pump, economizers, and boiler auxiliaries	4,500
(j) Moving and setting economizers now on hand.....	1,600
(k) Pipe covering for above apparatus.....	500
(l) Wiring and lighting of addition to building.....	300
(m) Water purification apparatus for treating boiler-feed water....	5,000
(n) Miscellaneous contingencies and engineering.....	14,400
	<hr/>
	\$76,000

Amount unprovided for..... \$2,400

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (n) inclusive hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the

definitions contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (2) that if the expenditures necessary for the acquisition and installation of any of the items enumerated in subdivisions (a) to (m) inclusive hereof shall be in excess of the amounts provided therefor, such excess expenditures may be made from the proceeds provided in subdivision (n) hereof, "Miscellaneous contingencies and engineering," for this purpose and for the necessary engineering and superintendence as hereinafter defined; (3) that the proceeds of these bonds shall not be used for nor shall there be charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (4) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission, except as to subdivision (n) as set forth in paragraph 2 of this clause; (5) that the unit prices contained in the exhibit attached to the supplemental petition herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Street Railroad Corporations.

4. That if the said bonds of a total face value of \$92,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$76,000, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of items (a) to (n) inclusive of clause No. 3 hereof, shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Ithaca Traction Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Ithaca Traction Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the bonds herein authorized, and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5756]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 53, Public Service Commissions Law, for permission to exercise a franchise or right allowing the construction of a third track of the railroad operated by it across a highway about two miles north of the Esperance station, in the town of Duanesburgh, Schenectady county.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The Delaware and Hudson Company for permission to exercise a franchise or right which it has obtained by order of the Supreme Court under section 21 of the Railroad Law to lay a third track across a highway in the town of Duanesburgh, Schenectady county, at a point about two miles north of the Esperance station; and a public hearing on said petition, after due notice, including publication in newspapers, having been held in the city of Albany on November 27, 1916, at which John E. MacLean appeared for the petitioner and no one else appeared; and it appearing from the evidence at said hearing that the track is proposed to cross said highway at grade; and it appearing from the papers and evidence at the hearing that the exercise of such right is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Delaware and Hudson Company of a franchise or right granted it by Mr. Justice Van Kirk of the Supreme Court, by order dated October 23, 1916 (copy of which order, certified to be a true copy by the deputy clerk of Schenectady County, is filed with the papers in this case), to lay at grade a third track of its railroad across a highway in the town of Duanesburgh, Schenectady county, at a point about two miles north of the Esperance station on said railroad.

316 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5757]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 53, Public Service Commissions Law, for permission to exercise a franchise or right allowing the construction of a third track of the railroad operated by it across a highway about one mile north of the Esperance station, in the town of Duanesburgh, Schenectady county.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The Delaware and Hudson Company for permission to exercise a franchise or right which it has obtained by order of the Supreme Court under section 21 of the Railroad Law to lay a third track across a highway in the town of Duanesburgh, Schenectady county, at a point about one mile north of the Esperance station; and a public hearing on said petition, after due notice, including publication in newspapers, having been held in the city of Albany on November 27, 1916, at which John E. MacLean appeared for the petitioner and no one else appeared; and it appearing from the evidence at said hearing that the track is proposed to cross said highway at grade; and it appearing from the papers and evidence at the hearing that the exercise of such right is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Delaware and Hudson Company of a franchise or right granted it by Mr. Justice Van Kirk of the Supreme Court, by order dated October 23, 1916 (copy of which order, certified to be a true copy by the deputy clerk of Schenectady County, is filed with the papers in this case), to lay at grade a third track of its railroad across a highway in the town of Duanesburgh, Schenectady county, at a point about one mile north of the Esperance station on said railroad.

[Case No. 5758]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 53, Public Service Commissions Law, for permission to exercise a franchise or right allowing the construction of a third track of the railroad operated by it across a highway about one mile south of the Esperance station, in the town of Duanesburgh, Schenectady county.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The Delaware and Hudson Company for permission to exercise a franchise or right which it has obtained by order

of the Supreme Court under section 21 of the Railroad Law to lay a third track across a highway in the town of Duanesburgh, Schenectady county, at a point about one mile south of the Esperance station; and a public hearing on said petition, after due notice, including publication in newspapers, having been held in the city of Albany on November 27, 1916, at which John E. MacLean appeared for the petitioner and no one else appeared; and it appearing from the evidence at said hearing that the track is proposed to cross said highway at grade; and it appearing from the papers and evidence at the hearing that the exercise of such right is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Delaware and Hudson Company of a franchise or right granted it by Mr. Justice Van Kirk of the Supreme Court, by order dated October 23, 1916 (copy of which order, certified to be a true copy by the deputy clerk of Schenectady County, is filed with the papers in this case), to lay at grade a third track of its railroad across a highway in the town of Duanesburgh, Schenectady county, at a point about one mile south of the Esperance station on said railroad.

[Case No. 5759]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 53, Public Service Commissions Law, for permission to exercise a franchise or right allowing the construction of a third track of the railroad operated by it across a highway at the Esperance station, in the town of Duanesburgh, Schenectady county.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The Delaware and Hudson Company for permission to exercise a franchise or right which it has obtained by order of the Supreme Court under section 21 of the Railroad Law to lay a third track across a highway in the town of Duanesburgh, Schenectady county, at the Esperance station; and a public hearing on said petition, after due notice, including publication in newspapers, having been held in the city of Albany on November 27, 1916, at which John E. MacLean appeared for the petitioner and no one else appeared; and it appearing from the evidence at said hearing that the track is proposed to cross said highway at grade; and it appearing from the papers and evidence at the hearing that the exercise of such right is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Delaware and Hudson Company of a franchise or right granted it by Mr. Justice Van Kirk of the Supreme Court, by order dated October 23, 1916 (copy of which order, certified to be a true copy by the deputy clerk of Schenectady County, is filed with the papers in this case), to lay at grade a third track of its railroad across a highway in the town of Duanesburgh, Schenectady county, at the Esperance station on said railroad.

918 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5800]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petitions of FRONTIER ELECTRIC RAILWAY COMPANY under section 98 of the Railroad Law for a determination of whether its railroad (to be constructed) shall cross the Erie railroad (International railway) in the city of North Tonawanda, and the Niagara Junction railroad and two sidings in the city of Niagara Falls, and the International railway in Payne avenue in the city of North Tonawanda, and the International railway near the northerly city line of the city of North Tonawanda, above, below, or at grade; and for a determination of the proportion of expense to be paid by each railroad.

Appearances: Cohn, Chormann & Franchot, attorneys for Frontier Electric Railway Company and for International Railway Company; C. R. Near, engineer, Frontier Electric Railway Company; H. E. Reixinger, engineer, International Railway Company.

Petitions having been filed with this Commission by Frontier Electric Railway Company for a determination of how its electric railway (single track at first, with possible additional tracks in the future), proposed to be constructed in and between the cities of Buffalo and Niagara Falls, shall cross certain railroads; and a public hearing on said petitions, after due notice, having been held in the city of Albany on December 13, 1916; and it appearing that this proposed railway is to be built adjacent to and at the same grade substantially as an extension of the International railway proposed to be constructed in and between said cities, in respect to which an order was made by this Commission on January 13, 1916, providing a method by which said extension shall cross the same railroads hereinafter named; and it appearing that the proposed railway of this petitioner is not a street surface railway; and this Commission being familiar with the territory in question and the construction proposed; now, after due consideration, this Commission hereby determines, under section 98 of the Railroad Law, as follows:

1. That the railway of the Frontier Electric Railway Company shall cross the existing railroad of the Erie Railroad Company which is leased to and operated exclusively by the International Railway Company, and which is known as the Lockport branch of the International railway, in the city of North Tonawanda, above the grade of said existing railroad by an overhead bridge, and that the Frontier Electric Railway Company shall pay the entire cost of said overhead bridge crossing; this determination as to said proposed overhead bridge crossing being upon condition that before any work of construction of said overhead bridge crossing is undertaken, the plans therefor shall be submitted to and approved by the chief engineer of the Erie Railroad Company and the chief engineer of the International Railway Company, or if not so approved by them shall be submitted to this Commission for approval upon notice to the Erie Railroad Company and to the International Railway Company.

2. That the railway of the Frontier Electric Railway Company shall cross the existing railroad of the Niagara Junction Railway Company, in the city of Niagara Falls, below the grade of said existing railroad, that is to say, in an existing under-crossing, and that the Frontier Electric Railway Company shall pay the entire cost of thus using the under-crossing.

3. That the railway of the Frontier Electric Railway Company shall cross at grade two existing switch tracks or sidings which lead from the Erie railroad, in the city of Niagara Falls, one connecting with the Niagara Junction railway and one connecting with the Union Carbide plant, and that the Frontier Electric Railway Company shall pay the entire cost of said grade crossings; and that the Frontier Electric Railway Company shall provide at each of said grade crossings, and shall maintain and operate, such mechanical safeguards, if any, as may be prescribed by this Commission in the future, and shall comply with such orders of this Commission respecting operation of any of its cars at each of said grade crossings as may be made in the future. It appears that the location of these sidings may hereafter be changed so that they will be near together instead of some considerable distance apart and thus make only one crossing necessary for the Frontier Electric railway. It is therefore hereby provided, that if in the future either or both of these sidings are changed in location, the Frontier Electric railway shall cross the same at the grade of the siding or sidings in the new location or locations under the conditions named in this paragraph as to crossings at the present location of the sidings.

4. That the railway of the Frontier Electric Railway Company shall cross at grade the present Niagara Falls branch of the International railway in Payne avenue, in the city of North Tonawanda, and that the Frontier Electric Railway Company shall pay the entire cost of said grade crossing; and that at said grade crossing there shall be provided in the future such mechanical safeguards, if any, as may be prescribed by this Commission in the future, and that the cost of installation, maintenance, and operation of any such mechanical safeguards, whether prescribed by this Commission or otherwise, shall be paid by Frontier Electric Railway Company and International Railway Company in proportions to be agreed upon between them, or if they are unable to agree, such cost shall be apportioned between them and paid as shall be directed by this Commission, the International Railway Company having so stipulated under date of December 9, 1916, such stipulation being filed with the papers in this case; and that the Frontier Electric Railway Company shall comply with such orders of this Commission respecting operation of any of its cars at said grade crossing as may be made in the future.

5. That the railway of the Frontier Electric Railway Company shall cross the present Niagara Falls branch of the International railway near the northerly city line of the city of North Tonawanda below the grade of said present Niagara Falls branch, that is to say, in an existing under-crossing, and that the cost of thus using such under-crossing, and of the installation, maintenance, and operation of any mechanical safeguards which may be provided thereat in the future either by order of this Commission or otherwise, shall be paid by Frontier Electric Railway Company and International Railway Company in proportions to be agreed upon between them, or if they are unable to agree, such cost shall be apportioned between them and paid as shall be directed by this Commission, the International Railway Company having so stipulated under date of December 9, 1916, such stipulation being filed with the papers in this case.

6. This order is intended to provide for crossings to be made by one or more tracks as may be determined from time to time by the petitioner.

920 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4449]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

UNITED STATES GYPSUM COMPANY, complainants,
against WEST SHORE RAILROAD COMPANY (The New York Central and Hudson River Railroad Company, lessee); THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY; BOSTON AND ALBANY RAILROAD COMPANY; CENTRAL NEW ENGLAND RAILWAY COMPANY; THE DELAWARE, LAOKAWANNA AND WESTERN RAILROAD COMPANY; COOPERSTOWN AND CHARLOTTE VALLEY RAILROAD COMPANY; THE DELAWARE AND HUDSON COMPANY; BOSTON AND MAINE RAILROAD; ERIE RAILROAD COMPANY; LEHIGH VALLEY RAILROAD COMPANY; CENTRAL NEW YORK SOUTHERN RAILROAD COMPANY; NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY; RUTLAND RAILROAD COMPANY, and THE PENNSYLVANIA RAILROAD COMPANY, defendants.

The complaint of the United States Gypsum Company in this case was filed September 26, 1914, protesting against certain increases in freight rates on plaster board, in carloads, which in turn operates to increase the freight rates on plaster and plaster products when shipped in mixed carloads with plaster board, from Oakfield, N. Y., to other points in this State. The tariffs which are the subject of the complaint became effective on July 15, 1914, and are as follows: West Shore R. R. (N. Y. C. & H. R. R. R. Co., lessee) P. S. C., 2 N. Y., issues No. 3272 (supplement No. 11), No. 3867, No. 3868, No. 3869, No. 3872, No. 3873, No. 3877, No. 3878, No. 3879, No. 3885, No. 3886, No. 3887, and No. 3888.

A hearing was held by this Commission at its office in the city of Albany on January 11, 1915, at which time complainants appeared by Messrs. Scott, Bancroft and Stephens (by Mr. Lester L. Falk), Chicago, Ill.; and the following persons appeared on behalf of the respondents, to wit Mr. E. W. Abbott of Troy, N. Y., for the Boston and Maine Railroad; Mr. John E. MacLean, Albany, N. Y., for The Delaware and Hudson Company; Mr. J. M. Sternhagen and Mr. W. S. Kallman of New York city for The New York Central and Hudson River Railroad Company, West Shore Railroad Company, and Boston and Albany Railroad Company.

The effect of the tariffs complained of was to increase the rate on plaster board approximately 17½ per cent over the rates on other plaster products shipped by the complainants from Oakfield, and such increase also operates to increase the rate on plaster products other than plaster board when shipped in mixed carloads with plaster board. A similar case relating to interstate shipments was pending before the Interstate Commerce Commission at the time the hearing in this case was held by this Commission, and a decision by this Commission has been withheld pending the determination of the case before the Interstate Commerce Commission. Since the complaint was filed there have been various revisions of the tariffs in question, and there have been superseding issues thereof, so that none of those particularly objected to are still in force. A decision has recently been rendered by that Commission ordering the cancellation of the interstate tariffs complained of, but providing however that the carriers might put into effect tariffs establishing rates on

carloads of plaster board not exceeding the rates applicable to straight carloads of plaster by more than twenty-five cents per ton of 2000 pounds. It is the opinion of this Commission that the determination made by the Interstate Commerce Commission relative to the rates to be charged for plaster board in carloads is reasonable. The railroads have taken the necessary steps to put new tariffs in force as of December 28, 1916, in accordance with the determination of the Interstate Commerce Commission, and special permissions have been issued by this Commission to enable such tariffs to become effective on that date so far as intrastate shipments are concerned. Under the circumstances, therefore, in view of the fact that this Commission considers that the rate as fixed by the Interstate Commerce Commission on plaster board in carloads is reasonable, and the railroads have taken the necessary steps to put such rate into effect, no further action is required by this Commission; and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5281]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the LOCKPORT BOARD OF TRADE *against* THE NEW YORK CENTRAL RAILROAD COMPANY and INTERNATIONAL RAILWAY COMPANY as to better connections between passenger trains on said railroad at Burt, Niagara county.

Amendatory
order.

By its order of December 6, 1916, in the above matter, this Commission provided: "4. That all of said repairs, improvements, changes, and additions herein provided for shall be completed on or before the 23rd day of December, 1916." The Commission is now in receipt of a letter dated December 16, 1916, from Alexander S. Lyman, general attorney, The New York Central Railroad Company, as follows:

Referring to your order in this matter dated December 6, 1916, I beg to advise that pursuant to the order of the Commission, arrangements have been completed to construct the cinder path, as ordered, and it will be ready as required before December 23rd. With reference to the other part of the order incumbent upon this company, that is, of leasing or giving a permit for the occupation of land for a nominal consideration for shelter house: I beg to say that some of this land is already under lease. We have served notice of cancellation effective January 1st, and in the meantime will agree with the International company as to the precise location of the shelter house so that it can be erected immediately after we have succeeded in dissolving the present leasehold arrangements. For this reason, I write to ask that the time mentioned in the order, namely December 23, 1916, for the completion of all the changes specified, be extended to some date in January, say the 15th.

Under these circumstances the Commission believes the extension of time asked for is justified, and it is therefore

Ordered: That No. 4 of the order of this Commission of December 6, 1916, is hereby amended so as to read as follows: "4. That all of said repairs, improvements, changes, and additions herein provided for shall be completed on or before the 15th day of January, 1917."

922 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5802]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY under section 55, Public Service Commissions Law, in regard to "The New York, Chicago and St. Louis Engine Trust of 1916".

Petition filed November 28, 1916; report of division of steam railroads dated December 16, 1916; report of division of capitalization dated December 19, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York, Chicago and St. Louis Railroad Company is hereby authorized to execute and deliver a certain agreement dated October 1, 1916, with Otto Miller, William D. Turner, and J. Grant Alexander as vendors, and the Guaranty Trust Company of New York as trustee; and a certain agreement of lease with the Guaranty Trust Company, trustee, to be called "The New York, Chicago and St. Louis Engine Trust of 1916," to secure an issue of \$300,000 face value of ten-year equipment trust certificates to be known as "The New York, Chicago and St. Louis Engine Trust Certificates of 1916," bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of April and October in each year, one-tenth of the total face value of which certificates are to mature annually on the 1st day of October as set forth in said agreement, copies of which agreement and agreement of lease are filed in this case as exhibit L; and that the forms of such agreements are hereby approved.

2. That upon the execution and delivery of said agreement and agreement of lease herein authorized there shall be filed with this Commission verified copies of the same in the forms in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement and agreement of lease as executed and delivered are the same as herein approved by the Commission.

3. That said equipment trust certificates of the total face value of \$300,000 shall be sold at not less than an average of 97.653 per cent of their face value and accrued interest to give net proceeds of at least \$292,959.

4. That said equipment trust certificates herein authorized of the total face value of \$300,000, or the proceeds thereof, shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 10 6-wheel switching engines, Nos. 50 to 59 inc.; 15 rebuilt consolidation engines, Nos. 460 to 474 inc.; estimated cost of equipment which is covered by lease, \$354,000. Net proceeds from sale of certificates herein authorized, \$292,959; balance of required cash to be provided from the treasury of the petitioner, \$61,041: \$354,000.

5. That if the said certificates of a total face value of \$300,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$300,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by The New York, Chicago and St. Louis Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That The New York, Chicago and St. Louis Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such certificates were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the certificates herein authorized for the purpose specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. G.C.381]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of the North Pearl Street and the Van Woert Street grade crossings of its railroad in the city of Albany.

The work covered by the Commission's determination of June 12, 1913, in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved detail plans and specifications to the satisfaction of the railroad corporation and of the City of Albany and this Commission, it is

Ordered: That the completed work be and it is hereby approved.

924 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 509]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition under former section 62
(now section 91) of the Railroad Law by the MAYOR
AND COMMON COUNCIL OF THE CITY OF UTICA for the
elimination of the Pleasant Street grade crossing of
the New York, Ontario and Western railway and
the Delaware, Lackawanna and Western railroad in
said city.

Ordered: 1. That the second intermediate accounting entered into between
the New York, Ontario and Western Railway Company and The Delaware,
Lackawanna and Western Railroad Company with the City of Utica and this
Commission, showing expenditures to the amount of \$5558.82 properly and
necessarily incurred in carrying out the Commission's order in the above
entitled matter, be and it is hereby approved, the entire amount having been
expended by the City of Utica; said accounting having been accepted by The
Delaware, Lackawanna and Western Railroad Company and the New York,
Ontario and Western Railway Company as indicated by the signatures respec-
tively by the division engineer and the general superintendent, and accepted
by the City of Utica as indicated by its commissioner of public works.

2. That of the total amount of \$5558.82 thus expended and herein accounted
for, the share of and the amount chargeable to The Delaware, Lackawanna
and Western Railroad Company is the sum of \$1389.70; the share chargeable
to the New York, Ontario and Western Railway Company is \$1389.70; and
the share of the State of New York is the like sum of \$1389.70, said sum
being now due and payable by said State of New York to the City of Utica
from funds appropriated for the elimination of grade crossings.

[Case No. 3471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE NEW YORK CEN-
TRAL AND HUDSON RIVER RAILROAD COMPANY under
section 91 of the Railroad Law for the elimination of
Main Street grade crossing in the village of Fishkill
Landing, Dutchess county, New York.

Ordered: 1. That a final accounting entered into by The New York Central
Railroad Company with the City of Beacon and this Commission, showing
expenditures to the amount of \$10,469.47, including interest, properly and
necessarily incurred in carrying out the Commission's order in the above

entitled matter, be and it is hereby approved; of which said amount the sum of \$10,082.83 has been expended by the railroad corporation and the sum of \$386.64 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted by the City of Beacon as indicated by the signature of its mayor.

2. That of the total amount of \$10,469.47 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$5315.68; the share of the City of Beacon is \$2536.42; and the share of the State of New York is \$2617.37, upon which it is entitled to the following credits: an amount of \$386.64 expended by it as aforesaid; an amount of \$2160.18 paid on the first intermediate accounting; interest on payment of first intermediate accounting amounting to \$68.40: making a total credit of \$2615.22; leaving as a balance now due and payable by the said State of New York to The New York Central Railroad Company from funds appropriated for the elimination of grade crossings the sum of \$2.15.

[Case No. 5066]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Joint Petition of the TOWN BOARD OF THE TOWN OF LOCKPORT, Niagara county, the BOARD OF SUPERVISORS OF SAID COUNTY, and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law for the elimination of the Shawnee Road highway grade crossing of the Falls branch of said company's railroad by the construction of an undergrade crossing.

The work covered by the Commission's determination in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved plans to the satisfaction of this Commission and to that of the authorities of the Town of Lockport, it is

Ordered: That the completed work be and it is hereby approved.

926 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5506]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE PENNSYLVANIA RAILROAD COMPANY as lessee of the Elmira and Lake Ontario railroad, under section 91 of the Railroad Law for an order determining that public safety requires the closing of Old Main Street grade crossing of the Elmira and Lake Ontario railroad in the incorporated village of Horseheads, Chemung county, the travel therefrom to be diverted to a new crossing of said railroad by a state highway now constructed and in use.

The work covered by the Commission's determination of May 23, 1916, in the above entitled matter, having been completed in accordance with the requirements of said determination, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5734]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MRS. BERTHA V. GILDERSLEEVE of the town of Middlefield, Otsego county, against OTSEGO AND DELAWARE TELEPHONE COMPANY, asking for telephone service through the Cooperstown exchange.

After this complaint was served, the company informed the Commission that the service asked for would be granted; and by letter dated December 26, 1916, attorney for complainant informs the Commission that "I am informed that complainant is now being served as she desired, consequently complaint has been satisfied". It is therefore

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 5736]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of WILLIAM H. SWENY of Yonkers *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that a passenger elevator be operated in its Getty Square, Yonkers, station, Putnam division.

In the above matter the complaint was served, the company answered, and a public hearing was held in New York on the 1st instant, at which complainant, the company, and the Yonkers Chamber of Commerce were represented; this hearing was adjourned to the 22d instant, but in the meantime and under date of December 18, 1916, complainant informed the Commission as follows: "Upon examination of the facts set forth in the answer in this matter, especially that the traffic at this particular station under normal conditions is too small to justify the railroad in operating their passenger elevator, I am of the opinion that the situation does not justify taking up any further time of this Commission. A trolley strike in Yonkers that lasted over the past two months caused a flow of passengers to this station and made the want of the elevator a public hardship. Hence the complaint herein. This strike is now over, trolley service is resumed, and the passenger service at this station has returned to its normal condition. Under these circumstances I am of the opinion that the complaint had better be withdrawn, and with your approval I hereby withdraw said complaint." Representative of the Yonkers Chamber of Commerce, after notice, has not filed objection to this matter being closed. Under these circumstances it is

Ordered: That this case be marked "withdrawn," and is hereby closed on the records of the Commission.

[Case No. 5741]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CARPENTER'S BUS LINE, INC., for authority to issue common capital stock.

Petition filed October 17, 1916; amended petition filed November 14, 1916; report of division of capitalization dated December 22, 1916. Now therefore, upon the foregoing record,

Ordered: That the Commission hereby authorizes *nunc pro tunc* the issuance and sale on November 26, 1915, at their par value, three hundred and twenty (320) shares, each of the par value of \$25, aggregating a total par value of

\$8000, of the common capital stock of the Carpenter's Bus Line, Inc., and the use of such stock or its proceeds for the following purposes:

(a) For the acquisition of the following equipment		
1 Large Winton bus.....	\$3,500	
1 Winton 7-passenger motor vehicle.....	2,000	
1 Studebaker 5-passenger motor vehicle.....	500	
		\$6,000
(b) For services of Fred W. Carpenter in promoting, organizing, and developing the business of the petitioner.....		2,000
Total.....		\$8,000

Finally, it is determined and stated that in the opinion of the Commission the stock herein authorized *nunc pro tunc* is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5768]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of FRONTIER ELECTRIC RAILWAY COMPANY under section 98 of the Railroad Law for a determination as to whether its railroad (to be constructed) shall cross the New York Central railroad in the city of Tonawanda and in the city of North Tonawanda, above, below, or at grade, it being proposed that the electric railroad shall cross above the grade of the steam railroad on overhead bridges in both instances; and for a determination of the proportion of expense.

A petition having been filed with this Commission by the Frontier Electric Railway Company for a determination of how its electric railway (single track at first, with possible additional tracks in the future) proposed to be constructed between the cities of Buffalo and Niagara Falls shall cross the New York Central railroad at two points hereinafter named; and a public hearing on said petition, after due notice, having been held in the city of Albany on December 27, 1916; and it appearing that this proposed railway is to be built adjacent to and at the same grade substantially as an extension of the International railway proposed to be constructed in and between said cities, in respect to which an order was made by this Commission on January 13, 1916, providing a method by which said extension shall cross the New York Central railroad at the two points hereinafter named; and it appearing that the proposed railway of this petitioner is not a street surface railway; and an agreement between The New York Central Railroad Company and the Frontier Electric Railway Company as to these proposed crossings having been made; and this Commission being familiar with the territory in question and the construction proposed; now, after due consideration, this Commission hereby determines, under section 98 of the Railroad Law, as follows:

1. That the railway of the Frontier Electric Railway Company shall cross the existing railroad of The New York Central Railroad Company at a point near the Williamsville road highway and the Ellicott Creek road highway in the city of Tonawanda, above the grade of said existing railroad by an overhead bridge, and that the Frontier Electric Railway Company shall pay the entire cost of said overhead bridge crossing; that this determination is upon condition that the terms of an agreement made November 25, 1916, by and between The New York Central Railroad Company and the Frontier Electric

Railway Company, in respect to this proposed overhead bridge crossing, shall be fulfilled; and said agreement is hereby approved by this Commission.

2. That the railway of the Frontier Electric Railway Company shall cross the existing railroad of The New York Central Railroad Company, known as the Lockport branch of the New York Central, in the city of North Tonawanda, above the grade of said existing railroad by an overhead bridge, and that the Frontier Electric Railway Company shall pay the entire cost of said overhead bridge crossing; that this determination is upon condition that the terms of an agreement made November 25, 1916, by and between The New York Central Railroad Company and the Frontier Electric Railway Company, in respect to this proposed overhead bridge crossing, shall be fulfilled; and said agreement is hereby approved by this Commission.

[Case No. 5824]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ASHVILLE AND PANAMA TELEPHONE AND TELEGRAPH COMPANY under section 101, Public Service Commissions Law, for authority to issue \$2200 common capital stock.

Petition filed December 13, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ashville and Panama Telephone and Telegraph Company is hereby authorized to issue \$2200 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$2200.

2. That said stock of the par value of \$2200 so authorized, or the proceeds thereof to the amount of \$2200, shall be used solely and exclusively for the following purposes:

(a) For the purchase of a lot 50 x 132 feet situate on the north side of Main street, in the village of Panama, N. Y.....	\$350.00
(b) For the construction thereon of a one-story frame exchange building.	1,899.34
	\$2,249.34

Amount unprovided for..... \$49.34

3. That the Ashville and Panama Telephone and Telegraph Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such a period of the proceeds of the stock herein authorized, and the account or accounts under the Uniform System of Accounts for Telephone Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. Such reports shall continue to be filed until all of the stock shall have been sold or disposed of and the proceeds expended in accordance with

the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3618]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th
day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the PEOPLES GAS AND ELECTRIC COMPANY OF OSWEGO, pursuant to the provisions of section 69 of the Public Service Commissions Law, for authority to issue \$400,000 par value of its 5 per cent convertible bonds.

Supplemental
order.

Petition filed June 5, 1913; order entered November 13, 1913; reports of gas engineer dated August 11, 1914, and March 17, 1915; report of electrical engineer dated November 10, 1914; supplemental petition filed October 13, 1916; report of division of light, heat, and power dated December 16, 1916; report of division of capitalization dated December 26, 1916. By order herein dated November 13, 1913, the Peoples Gas and Electric Company of Oswego was authorized to issue and sell for not less than 85 per cent of their face value and accrued interest \$400,000 face value of 5 per cent convertible bonds, and to use the proceeds realized from the sale thereof for the discharge of outstanding promissory notes and for additions and betterments to the plant and distributing system of the company. Verified reports filed herein in accordance with the requirements of such order show that expenditures in some instances have been made for more and others for less than the amounts specifically authorized therefor. Accordingly, on October 13, 1916, the company filed a supplemental petition asking for authority to expend proceeds on certain projects in excess of the amounts heretofore authorized for such purposes, and for permission to apply some of the proceeds realized from the sale of the bonds toward certain other capital purposes. Said petition was referred to the Commission's divisions of light, heat, and power, and capitalization and their reports thereon are dated December 16 and 26, 1916. Now therefore, upon the foregoing record,

Ordered: That clause No. 3 of the order herein dated November 13, 1913, is hereby amended by the substitution therefor of the following:

Ordered: 3. That said convertible bonds of the face value of \$400,000 so authorized, or the proceeds thereof to the amount of \$340,000, shall be used solely and exclusively for the following purposes:

- (a) To pay and discharge the company's outstanding promissory notes as detailed in its petition, including one bond or note for \$15,000.. \$212,500.00
- (b) For improvements made and to be made to the gas and electric plant of the petitioner as detailed in exhibits attached to the original and supplemental petitions herein:

Gas department	
1. Land.....	\$4,850.00
2. Purifying boxes.....	7,500.00
3. Extension to gas mains, services, meters and installations.....	77,709.00
4. Works and station structures.....	2,851.13
5. Furnaces, boilers, and accessories.....	430.81
6. Miscellaneous power plant equipment.....	6.15
7. Accessory equipment at works.....	770.69
8. Gas tools and implements.....	81.75
9. Gas laboratory equipment.....	804.26
Total Gas department.....	\$94,044.79
Electric department	
1. Connection with Oswego River Power Transmission Company.....	\$29,282.46
2. Extensions to poles and fixtures, overhead distribution system, transformers and devices, etc.....	\$1,800.00
3. Additions to electric power house: 1 4"-Worthington water meter.....	425.81
4. Additions to steam heating system: 1 8 x 4 piston pump and receiver.....	662.64
5. Additions to switchboard, underground and overhead system.....	
6. General structures.....	
7. General office equipment.....	
8. General shop equipment.....	
9. General stable equipment.....	
10. Dams, canals, and pipe lines.....	
11. Power plant buildings.....	
12. Furnaces, boilers and accessories.....	
13. Steam engines.....	
14. Turbines and water-wheels.....	
15. Electric generators.....	
16. Accessory electric power equipment.....	
17. Miscellaneous power plant equipment.....	
18. Electric tools and implements.....	
19. Electric laboratory equipment.....	
Total Electric department.....	\$142,278.12
Total Gas and Electric departments.....	\$236,317.91
	\$448,817.91
Amount unprovided for.....	\$108,817.91

provided that in the event of any necessary change or changes in the present plans of the petitioner, the proceeds of such securities can be used for expenditures which are properly capitalizable on account of such construction in excess of the amounts herein enumerated or for other purposes than those listed in such exhibits in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by the Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of said bonds heretofore authorized herein was and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

932 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5609]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Stockton, Chautauqua county, poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 20th day of June, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, in, through, upon, under, and across all of the streets, alleys, highways, and public places of the town of Stockton, for the purpose of using, transmitting, distributing, and furnishing electricity to said town of Stockton and the inhabitants thereof for light, heat, and power; and for approval of the exercise of a franchise to use said streets, alleys, and public places for such purpose received from the town board and superintendent of highways of said town and dated March 31, 1916. Thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 27th day of October, 1916; and proof of the publication of said notice having been duly filed, and a hearing having been duly held herein by the Commission in the city of Buffalo on the 23rd day of December, 1916, at which hearing Mr. Elton H. Beals of Buffalo, of the firm of Strebel, Corey, Tubbs and Beals, appeared as attorney for the petitioner, and there being no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electrical transmission and distribution plant to and through the streets, alleys, highways, and public places of the town of Stockton for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of Stockton and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioner, Niagara and Erie Power Company, to construct, maintain, and operate the said electric plant and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public places in the said town of Stockton for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of Stockton and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by

the said franchise so granted by the said town board and highway superintendent of the Town of Stockton on the 31st day of March, 1916, subject to and in accordance with all the terms and conditions, limitations and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commissioner of Highways.

[Case No. 5713]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY to join with The Canadian Pacific Railway Company, The Michigan Central Railroad Company, and The Canada Southern Railway Company, in jointly and severally guaranteeing \$2,000,000 of 4½ per cent consolidated mortgage gold bonds, series A, of The Toronto, Hamilton and Buffalo Railway Company.

A motion having been made by C. H. Venner of New York city to reopen this case and for a rehearing therein; and a hearing of said application having been held at the office of this Commission in the city of New York on October 27, 1916, at which Mr. C. H. Venner appeared in support of the motion, and Mr. Albert H. Harris appeared for The New York Central Railroad Company; and argument having been had and thereafter briefs having been filed by the respective parties; now, after due consideration,

Ordered: That the application for a rehearing in this case be denied.

[Case No. 5737]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Hanover, Chautauqua county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 13th day of October, 1916, for permission to construct its

932 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5609]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Stockton, Chautauqua county, poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 20th day of June, 1916, for permission to construct its electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, in, through, upon, under, and across all of the streets, alleys, highways, and public places of the town of Stockton, for the purpose of using, transmitting, distributing, and furnishing electricity to said town of Stockton and the inhabitants thereof for light, heat, and power; and for approval of the exercise of a franchise to use said streets, alleys, and public places for such purpose received from the town board and superintendent of highways of said town and dated March 31, 1916. Thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 27th day of October, 1916; and proof of the publication of said notice having been duly filed, and a hearing having been duly held herein by the Commission in the city of Buffalo on the 23rd day of December, 1916, at which hearing Mr. Elton H. Beals of Buffalo, of the firm of Strebel, Corey, Tubbs and Beals, appeared as attorney for the petitioner, and there being no one appearing in opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electrical transmission and distribution plant to and through the streets, alleys, highways, and public places of the town of Stockton for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of Stockton and the inhabitants thereof; and the said franchise having been presented to and filed with the Commission at said hearing; and from all such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioner, Niagara and Erie Power Company, to construct, maintain, and operate the said electric plant and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public places in the said town of Stockton for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of Stockton and the inhabitants thereof as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by

the said franchise so granted by the said town board and highway superintendent of the Town of Stockton on the 31st day of March, 1916, subject to and in accordance with all the terms and conditions, limitations and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commissioner of Highways.

[Case No. 5713]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY to join with The Canadian Pacific Railway Company, The Michigan Central Railroad Company, and The Canada Southern Railway Company, in jointly and severally guaranteeing \$2,000,000 of 4½ per cent consolidated mortgage gold bonds, series A, of The Toronto, Hamilton and Buffalo Railway Company.

A motion having been made by C. H. Venner of New York city to reopen this case and for a rehearing therein; and a hearing of said application having been held at the office of this Commission in the city of New York on October 27, 1916, at which Mr. C. H. Venner appeared in support of the motion, and Mr. Albert H. Harris appeared for The New York Central Railroad Company; and argument having been had and thereafter briefs having been filed by the respective parties; now, after due consideration,

Ordered: That the application for a rehearing in this case be denied.

[Case No. 5737]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Hanover, Chautauqua county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The petitioner, Niagara and Erie Power Company, filed its petition in this proceeding on the 13th day of October, 1916, for permission to construct its

electric plant, including poles, wires, cables, conduits, subways, appliances, and structures, in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the town of Hanover, for the purpose of using, transmitting, distributing, and furnishing electricity to said town of Hanover and the inhabitants thereof for light, heat, and power; and for approval of the exercise of a franchise to use said streets, alleys, and public ways for such purpose received from the town board and superintendent of highways of said town and dated February 7, 1916. Thereafter a notice was duly published in accordance with the rules of this Commission for all persons knowing any reason why said petition should not be granted to file the same with the Secretary of the Commission on or before the 3rd day of November, 1916. And proof of the publication of said notice having been duly filed, and a hearing having been duly held herein by the Commission in the city of Buffalo on the 23rd day of December, 1916, at which hearing Mr. Elton H. Beals of Buffalo, of the firm of Strebel, Corey, Tubbs and Beals, appeared as attorney for the petitioner; and there being no opposition thereto; and certain proofs and proceedings having been thereupon taken and had whereby it satisfactorily appears that the petitioner is a domestic corporation and is desirous of extending its service and constructing and operating its electrical transmission and distribution plant to and through the streets, alleys, highways, and public ways of the town of Hanover for the purpose of transmitting electric power in and through said town, and for the purpose of using, distributing, and furnishing electricity for light, heat, and power to the said town of Hanover and the inhabitants thereof. And the said franchise having been presented to and filed with the Commission at said hearing; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the exercise of said franchise therefor are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioner, Niagara and Erie Power Company, to construct, maintain, and operate the said electric plant, and all necessary poles, wires, cables, conduits, subways, appliances, structures, and appurtenances in, through, upon, under, and across all of the streets, highways, alleys, and public ways in the said town of Hanover for the purpose of using, distributing, transmitting, and furnishing electricity for light, heat, and power to the said town of Hanover and the inhabitants thereof, as specifically provided in said franchise.

2. That permission and approval are hereby given to the said Niagara and Erie Power Company to exercise all the rights and privileges conferred by the said franchise so granted by the said town board and highway superintendent of the Town of Hanover on the 7th day of February, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

3. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commissioner of Highways.

[Case No. 5770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
WM. TEMPLE EMMET,
JAMES O. CARR,

Commissioners.

In the matter of the Application of THE NEW YORK
CENTRAL RAILROAD COMPANY in regard to "New York
Central Railroad Equipment Trust of 1917".

Petition filed November 4, 1916; report of division of steam railroads dated December 1, 1916; hearing held December 27, 1916; report of division of capitalization dated December 28, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York Central Railroad Company is hereby authorized to execute and deliver a certain agreement dated January 1, 1917, with John Carstensen, Abraham T. Hardin, and Edward L. Rossiter as vendors, and the Guaranty Trust Company of New York as trustee; and a certain agreement of lease with the Guaranty Trust Company of New York, trustee, to be called "New York Central Railroad Equipment Trust of 1917," to secure an issue of \$19,995,000 face value of fifteen-year equipment trust certificate to be known as "New York Central Railroad Equipment Trust Certificates of 1917," being entitled to dividends at the rate of $4\frac{1}{2}$ per cent per annum, payable semiannually on the first days of July and January in each year, one-fifteenth of the total face value of which certificates (if issued) to mature annually on the 1st day of January, beginning January 1, 1918, as set forth in said agreement, copies of which agreement and agreement of lease are filed in this case as exhibit A; and that the forms of such agreements are hereby approved; provided that said company shall have no right or authority to issue any certificates pursuant to the terms of said trust agreement except as herein or hereafter authorized by the Commission.

2. That upon the execution and delivery of said agreement and agreement of lease herein authorized there shall be filed with this Commission verified copies of the same in the forms in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement and agreement of lease as executed and delivered are the same as herein approved by the Commission.

3. That The New York Central Railroad Company is hereby authorized to issue \$12,000,000 face value of its $4\frac{1}{2}$ per cent 15-year equipment trust certificates under the aforesaid trust agreement.

4. That said equipment trust certificates of the total face value of \$12,000,000 shall be sold at not less than an average of 97 per cent of their face value and accrued interest to give net proceeds of at least \$11,640,000.

5. That said equipment trust certificates herein authorized of the total face value of \$12,000,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in exhibit B attached to the petition herein, as follows: 4000 steel underframe box cars, 3000 all steel coal cars, 10 electric locomotives, 100 steel passenger coaches, 100 steel baggage cars, 30 multiple unit cars; estimated cost of equipment to be purchased, \$15,000,000. Net proceeds from sale of certificates herein authorized, \$11,640,000; cash to be provided from the treasury of the petitioner, \$3,360,000: \$15,000,000.

6. That if the said certificates of a total face value of \$12,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$12,000,000, no portion of the proceeds of such

sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by The New York Central Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That The New York Central Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such certificates were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the certificates herein authorized for the purpose specified herein during such period and the account or accounts to which such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5782]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the ITHACA GAS AND ELECTRIC CORPORATION under section 69, Public Service Commissions Law, for authority to issue \$576,200 common capital stock.

Petition filed November 16, 1916; memorandum of division of capitalization dated December 28, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ithaca Gas and Electric Corporation is hereby authorized to issue \$576,200 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$576,200.

2. That said stock of the par value of \$576,200 so authorized, or the proceeds thereof to the amount of \$576,200, shall be used solely and exclusively for the discharge of outstanding demand notes or their renewals, payable to the following:

(a) Associated Gas and Electric Company.....	\$348,400
(b) J. G. White.....	113,900
(c) Montgomery, Clothier and Tyler.....	113,900
	\$576,200

which notes were incurred for the acquisition of the stocks shown below:

1. 1484 shares, par value \$100 each, of common capital stock of the Homer and Cortland Gas Light Company.....	\$148,400
2. 2000 shares, par value \$100 each, of common capital stock of the Norwich Gas and Electric Company.....	200,000
3. 2278 shares, par value \$100 each, of common capital stock of the Oneonta Light and Power Company.....	227,800
Total.	\$576,200

3. That the Ithaca Gas and Electric Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5790]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NORTHERN NEW YORK UTILITIES, INC., under section 68, Public Service Commissions Law, for permission to construct in the towns of Orleans and Alexandria, and the incorporated village of Alexandria Bay, Jefferson county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under franchises therefor received from said municipalities.

On November 20, 1916, the Northern New York Utilities, Inc., filed with this Commission a petition asking for permission to construct transmission and distribution lines and to exercise the following franchises: to wit, franchise granted to Watertown Light and Power Company (which was merged into petitioner in 1914) by the municipal authorities of the Town of Alexandria, Jefferson county, New York, on December 7, 1912; franchise granted to it by the Village of Alexandria Bay on October 28, 1915; franchise granted to it by the Town of Orleans, Jefferson county, New York, on June 20, 1916. A hearing was held at the office of the Commission in the city of Albany on

December 27, 1916, at which time the petitioner appeared by Mr. F. A. Rogers, its general manager, and no one appeared in opposition. The petitioner, since it merged the Watertown Light and Power Company, has been exercising the franchise in the town of Alexandria, and it has also constructed its lines in the town of Orleans. It is also doing business in the village of Alexandria Bay, having acquired by foreclosure the distribution system there formerly owned by the St. Lawrence International Railroad and Land Company, in order to continue the service theretofore given to the inhabitants of the village. The franchise in the town of Alexandria was to enable the company to extend its transmission line from Clayton to Alexandria Bay, so as to supply electric energy to the St. Lawrence International Railroad and Land Company. This line is principally on a private right of way, and the franchise in this town as well as in the town of Orleans was intended to cover highway crossings. The village of Redwood, which is in the town of Orleans, is already being supplied with electricity by Holmes Brothers, and the franchise granted to the Watertown Light and Power Company specifically provided that the rights of Holmes Brothers in Redwood should not be prejudiced in any way by the granting of this franchise. It was stated on the hearing that the lines of the petitioner in connection with this franchise were not located nearer than seven miles to Redwood, and that it was not the intention now or in the future to interfere with the rights of Holmes Brothers in that village. This Commission having determined that public convenience and necessity require the construction of transmission and distribution lines and the exercise of the franchises granted to the petitioner and its predecessor Watertown Light and Power Company by the municipal authorities of said communities, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Northern New York Utilities, Inc., to construct, maintain, and operate an electric plant in the town of Alexandria, Jefferson county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to the Watertown Light and Power Company by the municipal authorities of the Town of Alexandria on December 7, 1912, subject to all the terms and conditions therein set forth.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Northern New York Utilities, Inc., to construct, maintain, and operate an electric plant in the village of Alexandria Bay, Jefferson county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the board of trustees of the Village of Alexandria Bay on October 28, 1915, subject to all the terms and conditions therein set forth.

3. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Northern New York Utilities, Inc., to construct, maintain, and operate an electric plant in the town of Orleans, Jefferson county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the municipal authorities of the Town of Orleans on June 20, 1916, subject to all the terms and conditions therein set forth.

4. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5791]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of STANDARD LIGHT, HEAT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the town of Butternuts, Otsego county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

This is an application of the Standard Light, Heat and Power Company for permission to construct an electric plant, and exercise a franchise granted to it by the town board of the Town of Butternuts, Otsego county, New York, on August 26, 1916. The petition was filed with the Commission on October 24, 1916. A hearing was held at the office of the Commission in the city of Albany on December 27, 1916, at which time Mr. H. C. Hopson appeared on behalf of the petitioner and no one appeared in opposition. The Commission having determined that the construction of an electric plant by the petitioner in the town of Butternuts and the exercise by it of the franchise hereinbefore referred to are necessary and convenient for the public service, it is

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Standard Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Butternuts, Otsego county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Butternuts on August 26, 1916, subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5792]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

In the matter of the Petition of the STANDARD LIGHT, HEAT AND POWER COMPANY under section 68, Public Service Commission Law, for permission to construct

in the incorporated village of Gilbertsville, Otsego county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said village.

This is an application by the Standard Light, Heat and Power Company for permission to construct an electric plant and exercise a franchise granted to it by the board of trustees of the Village of Gilbertsville on August 22, 1916. The petition was filed with the Commission on October 24, 1916. A hearing was held at the office of the Commission in the city of Albany on December 27, 1916, at which time Mr. H. C. Hopson appeared on behalf of the petitioner and no one appeared in opposition. The Commission having determined that the construction of an electric plant by the petitioner in the village of Gilbertsville and the exercise by it of the franchise hereinbefore referred to are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Standard Light, Heat and Power Company to construct, maintain, and operate an electric plant in the village of Gilbertsville, Otsego county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the board of trustees of the Village of Gilbertsville on August 22, 1916, subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5794]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of LENA BAKER under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Binghamton, it being proposed that the route shall also be operated between Binghamton and the hamlet of Oquaga, Broome county.

Lena Baker seeks a certificate of convenience and necessity for the operation of a stage route by auto busses between the city of Binghamton and Oquaga, in Broome county. It is necessary for this purpose to operate over and along streets within the city of Binghamton. The consent of the municipal authorities of the City of Binghamton was granted November 8, 1916. A public hearing was held in the city of Syracuse December 4, 1916, at which the petitioner appeared, and the Binghamton Railway Company appeared in opposition. Parties not being ready to proceed the hearing was adjourned to December 18, 1916, at the same place. At that time there was no appearance, but the case was heard upon the sworn application of the petitioner and the correspondence. It appeared by correspondence and by amendment of petition that the petitioner will not carry passengers in competition with

the Binghamton Railway Company, and especially in competition with that line of the Binghamton Railway Company extending from Hill Crest, in the town of Dickinson, into the city of Binghamton. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Lena Baker of an auto bus route as provided in the consent heretofore granted by the mayor and common council of the City of Binghamton, a copy whereof is attached to the petition herein, for the transportation of freight and passengers over and along Chenango street, between the Court-house Square and the corporate limits of the city of Binghamton, as a part of a motor vehicle stage route line between the city of Binghamton and the village of Oquaga, Broome county, New York, and intermediate points; and to operate such motor vehicles over such other streets, avenues, and public places in the city of Binghamton as may be necessary to call for and to take on passengers and freight for transportation to points along said route outside the city of Binghamton, and to discharge freight and passengers received at points along said route outside the city of Binghamton. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Binghamton, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5799]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVING,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE SOUTH BUFFALO RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct a sidetrack at grade across Hopkins street, in the city of Buffalo, and for approval of the exercise of a revocable license therefor received from the city.

The South Buffalo Railway Company filed its petition herein on the 27th day of November, 1916; it asks for approval of the revocable license or franchise granted to said railroad company by the City of Buffalo and dated November 22, 1916, authorizing said railway company to extend its existing switch track across Hopkins street about one hundred fifty-eight (158) feet north of lot No. forty-five (45), at grade, according to a plan thereof filed with the said city in this matter; a hearing was duly held by the Commission herein in the city of Buffalo on the 15th day of December, 1916, pursuant to a notice thereof duly published in accordance with the rules of this Commission; at said hearing Mr. Louis L. Babcock of Buffalo, of the firm of Rogers, Locke & Babcock, appeared for the petitioner; Mr. Frederick C. Rupp of Buffalo, assistant city attorney, appeared for the City of Buffalo; Mr. E. M. Tewkesbury of Buffalo, general superintendent of the petitioner, appeared on behalf of the petitioner; Mr. Ivan A. A. Blish of Buffalo, of the Commercial Electrolytic Corporation, appeared for that company; Hon. Arthur W. Kreinheder, commissioner of public works, and Mr. George H. Norton, city engineer, also appeared for the City of Buffalo; and Mr. Edward C. Randall of Buffalo appeared for the owners of lands through which said switch track is to be extended. On said hearing certain proofs and proceedings were taken and had whereby it satisfactorily appears that The South Buffalo Railway Company is a steam railroad operating in the southeasterly portion of the city of Buffalo, and has shipping facilities and track connections with

all of the trunk line railroads entering the said city; that said The South Buffalo Railway Company already has a switch track which is connected with its main line of railroad, running to the westerly side of Hopkins street, and the said Commercial Electrolytic Corporation is now constructing its plant on the opposite side of said Hopkins street, to which plant the petitioner is desirous of extending said switch track, which necessitates the crossing of Hopkins street at grade in order to reach said plant and other industries which may be located in the neighborhood; that all of the territory in that neighborhood is vacant and belongs principally to the Howard estate, which was represented at said hearing by Mr. Randall; that on the 22nd day of November, 1916, the City of Buffalo, pursuant to the provisions of its charter, duly granted a revocable permit or franchise to the petitioner to cross said Hopkins street at the point hereinbefore mentioned, and at grade, with the said switch track, which said revocable permit or franchise, duly certified, was presented to the Commission at said hearing and filed with the papers in this case. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said switch track across Hopkins street and in the manner and to the extent provided for in said franchise, and the exercise of said franchise or revocable permit therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioner, The South Buffalo Railway Company, to lay, construct, maintain, and operate an extension of its switch track across Hopkins street about one hundred fifty-eight (158) feet north of lot No. forty-five (45), said Hopkins street being one of the public streets of the said city, pursuant to and in accordance with the plans of said switch track presented to the City of Buffalo in this matter and mentioned in said franchise; and that said crossing be at grade.

2. That permission and approval are hereby given to the said petitioner, The South Buffalo Railway Company, to exercise all the rights and privileges conferred by the said revocable permit or franchise so granted to said railway company by the City of Buffalo, dated the 22nd day of November, 1916, and a certified copy of which is filed with the papers in this case.

[Case No. 5821]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of STANDARD LIGHT, HEAT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the town of Sidney, Delaware county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

This is an application by the Standard Light, Heat and Power Company for permission to construct an electric plant and exercise a franchise in the town of Sidney, Delaware county, New York. The petition was filed on December 11, 1916, and a hearing was held at the office of the Commission in the city of Albany on December 27, 1916, at which time Mr. H. C. Hopson appeared on behalf of the petitioner, and Mr. H. D. Mackey appeared on behalf of the Delaware and Otsego Light and Power Company. The petitioner

is now engaged in selling and distributing electricity in the village of Sidney which is in the town of Sidney, and desires to extend its operations in the town adjacent to the village. The Delaware and Otsego Light and Power Company has a franchise from the municipal authorities of the Town of Sidney, granted on January 18, 1909, permitting it to construct, maintain, and operate transmission and distribution lines in that portion of the town of Sidney in which Sidney Center and East Sidney are located. The exercise of this franchise was approved by this Commission on March 23, 1909. It appeared on the hearing that in the exercise of the franchise granted to the petitioner it did not intend to in any way interfere with the operations of the Delaware and Otsego company in that portion of the town in which it has a franchise to operate, and it was stipulated in the record that the petitioner would not in any way interfere with the rights of the Delaware and Otsego Light and Power Company in respect to the franchise above referred to. It having been determined by this Commission that public convenience and necessity require the construction of an electric plant by the Standard Light, Heat and Power Company in the town of Sidney as hereinbefore set forth, and the exercise of the franchise granted to it by the municipal authorities of the Town of Sidney on November 10, 1916, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Standard Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Sidney, Delaware county, N. Y., together with all transmission and distribution lines required for use in connection therewith; and to the exercise by it of the franchise granted to it by the town board of the Town of Sidney on November 10, 1916, subject to all the terms and conditions therein set forth; and upon the further understanding that the Standard Light, Heat and Power Company and its successors shall not in any way interfere with the operations of the Delaware and Otsego Light and Power Company in that portion of the town of Sidney covered by the franchise granted to that company by the municipal authorities of the Town of Sidney on January 18, 1909, the exercise of which franchise was approved by this Commission on March 23, 1909.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

Special Permission Tariffs, December, 1916.

No. 6331; December 1, 1916; The Lehigh and Hudson River Railway Company:

This special permission not used.

No. 6332; December 1, 1916; Grand Trunk Railway System:

This special permission not used.

No. 6333; filed December 1, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield Penna., and East):

Ordered: That under its application of date November 29, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff, and therein establish rate of one dollar and eighty-four cents per cord on Excelsior Wood, in carloads, minimum twelve cords, from Mountain View, N. Y., to Boonville, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 3025, effective December 8, 1916.

No. 6334; December 1, 1916; International Railway Company:

Ordered: That under its application of date November 27, 1916, the International Railway Company be and is hereby authorized to publish and file,

in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice, a supplement to its joint freight tariff of less than carload class and commodity rates, P. S. C., 2 N. Y., No. 62, said supplement to make the changes and establish the rates as shown in proof copy of proposed supplement accompanying said application and which is hereby made part of this order. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 62, effective December 11, 1916.

No. 6335; December 2, 1916; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application of date December 1, 1916, the Buffalo, Lockport and Rochester Railway be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a supplement to its joint freight tariff of class and commodity rates, P. S. C., 2 N. Y., No. 22, said supplement to make the changes and establish the rates as shown in proof copy of proposed supplement accompanying said application and which is hereby made part of this order. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date of this permission.

Completed by supplement No. 1 to P. S. C. No. 22, effective December 11, 1916.

No. 6336; December 4, 1916; Norwood and St. Lawrence Railroad Company:

Ordered: That under its application of date December 1, 1916, the Norwood and St. Lawrence Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and proportional freight tariff applying on Pulp Wood, Wood Pulp, Wood Pulp Screenings, and Sulphite Pulp Screenings, in carloads, minimum weight as per Official Classification, from Waddington, N. Y., to Norfolk, N. Y., and Raymondville, N. Y., at rate of thirty cents per two thousand pounds, and to Norwood, N. Y., at rate of forty-two cents per two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 32, effective December 12, 1916.

No. 6337; December 4, 1916; Various railroad corporations:

Ordered: That following action of the Interstate Commerce Commission, and upon requests of various carriers for permission so to do, in order that uniform charges and regulations may obtain as to intrastate traffic and interstate traffic, all carriers operating in this Commission's jurisdiction be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, tariff schedules of car demurrage rules to continue in effect until May 1, 1917, said tariff publications to provide:

(a) For the cancellation of the tariffs or supplements to tariffs of car demurrage rules filed to take effect December 1, 1916, or on later dates to and including January 4, 1917, the effective dates of which have been postponed until March 31, 1917;

(b) For the cancellation of the tariffs or supplements to tariffs of car demurrage rules filed on statutory notice which have not yet become effective but contain rules and regulations which operate to change car demurrage rules and regulations in force and effect on November 30, 1916;

(c) For the establishment of the same car demurrage rules and regulations to apply to intrastate shipments as those the establishment of which has been authorized by the Interstate Commerce Commission in its order of date November 29, 1916, in I. & S. Docket No. 966, "Demurrage Case," to apply on interstate shipments.

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commission's Law, except as to the notice to be given, and the waiver of its rules limiting the number of supplements which may be in effect at any time and the volume of matter which supplements may contain. This permission applies only to traffic as to which this Commission has jurisdiction, and is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper schedules filed by the various carriers.

No. 6338; December 5, 1916; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application of date December 5, 1916, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date not earlier than January 1, 1917, a supplement to its freight tariff P. S. C., 2 N. Y., No. A-587, said supplement to cancel item 1512 as shown in supplement No. 15 to said tariff P. S. C., 2 N. Y., No. A-587.

Completed by supplement No. 16 to P. S. C. No. A-587, effective January 1, 1917.

No. 6339; December 6, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That following action of the Interstate Commerce Commission and under its application of date December 5, 1916, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and effective not earlier than December 29, 1916, a joint commodity tariff on Plaster, and other articles taking plaster rates, and on Plaster Board, in carloads, said tariff to cancel tariff P. S. C., 2 N. Y., No. 2667, reissuing the matter contained without change other than to establish on Plaster Board, in carloads, from Jamesville, N. Y., Solvay, N. Y., and Syracuse, N. Y., rate of two dollars and thirty-five cents per ton of two thousand pounds to Boston and Maine stations Rotterdam Junction, N. Y., to Johnsonville, N. Y., inclusive, including Saratoga and Troy branches, and two dollars and fifty-seven cents per two thousand pounds to Boston and Maine stations East Buskirk, N. Y., to Petersburg Junction, N. Y., inclusive, including points on White Creek branch.

Completed by P. S. C. No. 2772, effective December 29, 1916.

No. 6340; December 6, 1916; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That following action of the Interstate Commerce Commission and under its application of date December 5, 1916, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, upon not less than five days' notice and effective not earlier than December 29, 1916, a joint commodity tariff on Plaster, and other articles taking plaster rates, and on Plaster Board, in carloads, said tariff to cancel tariff P. S. C., 2 N. Y., No. 2666, reissuing the matter contained without change other than to establish on Plaster Board, in carloads, from Jamesville, N. Y., Solvay, N. Y., and Syracuse, N. Y., rate of two dollars and thirty-five cents per two thousand pounds to Boston and Albany stations Brookview, N. Y., to Chatham, N. Y., inclusive, and two dollars and fifty-seven cents per two thousand pounds to Boston and Albany stations East Chatham, N. Y., and Canaan, N. Y.

Completed by P. S. C. No. 2771, effective December 29, 1916.

No. 6341; December 7, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 6, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Excelsior Wood, in carloads, minimum weight forty thousand pounds, from Potsdam, N. Y., to Boonville, N. Y., at rate of four and two-tenths cents per hundred pounds, and from Natural Bridge, N. Y., to Boonville, N. Y., at rate of five and three-tenths cents per hundred pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 3032, effective December 11, 1916.

No. 6342; December 7, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 6, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a tariff or supplement to a tariff and therein establish rate of one dollar and forty-three cents per cord on Pulp Wood, in carloads, minimum twelve cords, from Raquette Lake, N. Y., over the Raquette Lake railway via Carter, N. Y., and the New York Central railroad to Hinckley, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. N. Y. C. No. 3033, effective December 13, 1916.

No. 6343; December 7, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date December 6, 1916, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, supplements, consecutively numbered, to its class rate freight tariffs P. S. C., 2 N. Y., Nos. 1021, 1022, 1023, and 1064, said supplements to postpone until March 31, 1917, the effective dates of supplements Nos. 2, 1, 1, and 7, respectively, to tariffs P. S. C., 2 N. Y., Nos. 1021, 1022, 1023, and 1064, which contain rates based on the new proposed Central Freight Association class rate scale and filed on statutory notice to take effect December 15, 1916, as to all said supplements except No. 7 to P. S. C., 2 N. Y., No. 1064, which was filed to take effect December 26, 1916; also to provide for the continuance in effect during the period of postponement of rates contained in said class rate tariffs or in such tariffs as the same may have been lawfully amended and which were in force and effect, respectively, on December 14 and 25, 1916. During the period of postponement the provisions of the Commission's rules limiting the number of supplements which may be in effect at any time to a tariff will be waived as to the tariffs affected by this order, but in no other respect does this authority waive any of the provisions of the Public Service Commissions Law, nor of the Commission's published rules relative to the construction and filing of tariff publications, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order, suspended the effective dates of said supplements as to interstate traffic for a period of time corresponding with postponement herein authorized. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by the filing of proper supplements to tariffs, effecting postponement until March 31, 1917.

No. 6344; December 7, 1916; The New York, Chicago & St. Louis Railroad Company:

Ordered: That under its application of date December 4, 1916, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 11, 1916, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 565, said supplement to amend rules seven and nine of said tariff as shown in exhibit attached to said application and which is hereby made part of this order.

Completed by supplement No. 2 to P. S. C. No. 565, effective December 15, 1916.

No. 6345; December 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 28, 1916, new tariffs or supplements to existing tariffs applying on Plaster Articles and Plaster Board, in carloads, from Akron Falls, N. Y., Syracuse, N. Y., Solvay, N. Y., Utica, N. Y., and Schenectady, N. Y., to points on the lines of the Boston and Albany; Boston and Maine; New York, New Haven and Hartford; Central New England; and Rutland railroads, and to points on the Putnam and Harlem divisions of The New York Central Railroad Company, said tariffs or supplements to tariffs to establish rates from and to the points referred to on the basis set forth in said application. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by orders dated November 14, 1916, in its I. & S. Docket No. 790, in cases Nos. 7287 and 7438, approved the proposed rates on plaster products from Oakfield-Garbott district, including Akron Falls, N. Y., to points in the New England States, and to points in New York state via interstate routes, and has ordered that rates on plaster board, in carloads, shall be revised on basis of not exceeding twenty-five cents per net ton higher than the rates on plaster, in carloads, from same points of origin to same destinations. The following tariff publications are covered by this authority: The New York Central Railroad Company's freight tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 1021, 2531, 2532, 2533, 2534, 2535, 2536, and supplements thereto, as well as tariffs of said company's issue which were to be superseded by said issues.

Completed by P. S. C. N. Y. C. Nos. 3036, 3040, 3041, 3052, and supplement No. 4 to P. S. C. No. 2835; effective December 28, 1916.

No. 6346; December 8, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 7, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 28, 1916, new tariffs or supplements to existing tariffs applying on Plaster Articles and Plaster Board, in carloads, from Akron Falls, N. Y., Syracuse, N. Y., Solvay, N. Y., and Utica, N. Y., to points within the State of New York named in tariffs of The New York Central Railroad Company's issue, P. S. C., 2 N. Y., N. Y. C. Nos. 1021, 1022, 1731, 2024, 2117, 2311, 2475, 2977, 2990, 3006, and supplements thereto, said tariffs or supplements to tariffs to establish rates on plaster board, in carloads, to destinations referred to, on the basis of twenty-five cents per net ton higher than

rates on plaster, in carloads, from the same points of origin to the same destinations. This authority does not waive any of the requirements of the Commission's rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by orders dated November 14, 1916, in cases Nos. 7287 and 7438, ordered that rates on plaster board, in carloads, from points in the so called Oakfield-Garbutt district, which includes Akron Falls, N. Y., to points in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Delaware, New Jersey, and the District of Columbia, and to points in the State of New York via interstate routes, shall not exceed rates contemporaneously applicable on plaster, in carloads, from and to same points of origin and destination by more than twenty-five cents per net ton.

Completed by various tariffs and supplements to tariffs; effective December 28, 1916.

No. 6347; December 8, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date December 7, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective December 28, 1916, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 827, said supplement to cancel said tariff account of rates contained applying to Wellsville, N. Y., in connection with the Wellsville and Buffalo Railroad Corporation, which corporation has ceased operation.

Completed by supplement No. 1 to P. S. C. No. 827, effective December 28, 1916.

No. 6348; December 8, 1916; West Shore Railroad (The New York Central Railroad Company; Lessee):

Ordered: That under its application of date December 7, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 28, 1916, new tariffs or supplements to existing tariffs applying on Plaster Articles and Plaster Board, in carloads, from Oakfield, N. Y., Akron, N. Y., Syracuse, N. Y., Fayetteville, N. Y., Manlius, N. Y., and Utica, N. Y., to points on the lines of the Boston and Albany; Boston and Maine; New York, New Haven and Hartford; Central New England; and Rutland railroads, and to points on the Harlem and Putnam divisions of The New York Central Railroad Company, said tariffs or supplements to tariffs to establish rates from and to the points referred to on the basis set forth in said application. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by orders dated November 14, 1916, in its I. & S. Docket No. 790, in cases Nos. 7287 and 7438, approved the proposed rates on plaster products from Oakfield-Garbutt district, including Oakfield, N. Y., and Akron, N. Y., to points in the New England States, and to points in New York State via interstate routes, and has ordered that rates on plaster board, in carloads, shall be revised on basis of not exceeding twenty-five cents per net ton higher than the rates on plaster, in carloads, from same points of origin to same destinations. The following tariff publications are

covered by this authority: West Shore Railroad freight tariffs P. S. C., 2 N. Y., W. S. Nos. 296, 405, 682, 683, 684, 685, 686, and supplements thereto, as well as tariffs of said company's issue which were to be superseded by said issues.

Completed by P. S. C. W. S. Nos. 886, 887, 895, 898, 899, and 903, and supplement No. 2 to P. S. C. W. S. No. 853; effective December 28, 1916.

No. 6349; December 8, 1916; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date December 7, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 28, 1916, new tariffs or supplements to existing tariffs applying on Plaster Articles and Plaster Board, in carloads, from Oakfield, N. Y., Akron, N. Y., Syracuse, N. Y., Fayetteville, N. Y., Manlius, N. Y., Utica, N. Y., and South Utica, N. Y., to points within the State of New York named in tariffs of West Shore Railroad issue, P. S. C., 2 N. Y., W. S. Nos. 262, 296, 405, 494, 519, 641, 437, 759, 785, 859, 867, 874, 876, and supplements thereto, said tariffs or supplements to tariffs to establish rates on plaster board in carloads, to destinations referred to on the basis of twenty-five cents per net ton higher than rates on plaster, in carloads, from the same points of origin to the same destinations. This authority does not waive any of the requirements of the Commission's rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by orders dated November 14, 1916, in cases Nos. 7287 and 7438, ordered that rates on plaster board, in carloads, from points in the so called Oakfield-Garbutt district, which includes Oakfield, N. Y., and Akron, N. Y., to points in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Delaware, New Jersey, and the District of Columbia, and to points in the State of New York via interstate routes, shall not exceed rates contemporaneously applicable on plaster, in carloads, from and to same points of origin and destination by more than twenty-five cents per net ton.

Completed by various tariffs and supplements to tariffs; effective December 28, 1916.

No. 6350; December 8, 1916; The Staten Island Rapid Transit Railway Company:

Ordered: That under its application of date December 7, 1916, the Staten Island Rapid Transit Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, or not less than five days' notice and within thirty days from the date of this permission, a new tariff on plaster articles and plaster board, in carloads, said tariff to establish from New Brighton, N. Y., to all points on the Boston and Albany railroad west of the east boundary of the State of New York, except Albany, Hudson, and Rensselaer, N. Y., rate on plaster articles, carloads, of two dollars and ten cents per two thousand pounds, and on plaster board, carloads, of two dollars and thirty-five cents per two thousand pounds.

Completed by P. S. C. No. 163, effective December 28, 1916.

No. 6351; December 9, 1916; Erie Railroad Company:

Ordered: That under its application of date December 8, 1916, the Erie Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date of this permission, a supplement

to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 3604, said supplement to amend said tariff, adding the Dansville and Mt. Morris Railroad Company (A. S. Murray, jr., Receiver) as party thereto, and to provide that it will apply at all stations on the line of the Dansville and Mt. Morris railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain.

Completed by supplement No. 2 to P. S. C. No. 3604, effective December 28, 1916.

No. 6352; December 9, 1916; Dansville and Mount Morris Railroad (A. S. Murray, jr., Receiver):

Ordered: That under its application of date December 8, 1916, the Dansville and Mount Morris Railroad (A. S. Murray, jr., Receiver) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective concurrently with Erie Railroad Company's car demurrage tariff P. S. C., 2 N. Y., No. 3604, as amended under special permission No. 6351, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 46, said supplement to cancel said tariff, referring for future rules and regulations to Erie Railroad Company's tariff P. S. C., 2 N. Y., No. 3604. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain.

Completed by supplement No. 1 to P. S. C. No. 46, effective December 28, 1916.

No. 6353; December 9, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date December 9, 1916, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective within thirty days from the date of this permission, a new joint and proportional freight tariff on anthracite and bituminous coal, in carloads, applying in either direction between stations of The Delaware and Hudson Company and stations of the Cooperstown and Charlotte Valley railroad, said tariff to establish the rates and ratings as set forth in exhibit attached to said application and which is hereby made part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by P. S. C. No. 3326, effective December 14, 1916.

No. 6354; December 7, 1916; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That following action of the Interstate Commerce Commission, and under its application of date December 6, 1916, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 28, 1916, a joint commodity tariff on Plaster Articles and Plaster Board, in carloads, from Garbutt, N. Y., and Wheatland, N. Y., to various eastern destinations, said tariff to supersede tariff P. S. C., 2 N. Y., No. 1129, and adjust rates on plaster board, in carloads, which exceed the rates contemporaneously applicable on straight carloads of plaster by more than twenty-five cents per ton of two

thousand pounds, to basis of not exceeding more than twenty-five cents per ton of two thousand pounds. This authority does not waive any of the requirements of the Commission's published rules relative to construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain.

Completed by P. S. C. No. 1308, effective December 28, 1916.

No. 6355; December 9, 1916; The Pennsylvania Railroad Company:

Ordered: That following action of the Interstate Commerce Commission, and under its application of date December 8, 1916, The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 28, 1916, supplements to its freight tariffs G. O. P. S. C., 2 N. Y., Nos. 853, 814, 726, 763, 792, 797, 839, 790, and 717, applying on Plaster Articles and Plaster Board, in carloads, from Garbutt, N. Y., to various destinations in New York state, said supplements to establish the rates on plaster and plaster articles, in carloads, from Garbutt, N. Y., to New York state destinations shown therein, as shown in tariff G. O. P. S. C., 2 N. Y., No. 853, and supplements Nos. 1, 3, 23, 24, 17, 1, 14, and 7 of tariffs G. O. P. S. C., 2 N. Y., Nos. 814, 726, 763, 792, 797, 839, 790, and 717, respectively, except plaster board, on which rates will be made on the basis of twenty-five cents per net ton higher than the rates on plaster. This authority does not waive any of the requirements of the Commission's published rules relative to construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain.

Completed by various tariffs and supplements to tariffs; effective December 28, 1916.

No. 6356; December 12, 1916; Lowville and Beaver River Railroad Company:

Ordered: That under its application of date December 11, 1916, the Lowville and Beaver River Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 21, said supplement to amend Rule 4 by adding section D thereto and to change Rules 7 and 9 as set forth in exhibit accompanying said application and which is hereby made part of this order. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 1 to P. S. C. No. 21, effective December 23, 1916.

No. 6357; December 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 11, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and effective not earlier than December 27, 1916, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2929, said supplement to correct typographical error in rates as shown in supplement No. 2, filed to take effect December 27, 1916, as follows: From Carthage to stations taking index Nos. 1 to 97, rate in cents per hundred pounds to read 13.7 instead of 14.7; and from Newton Falls to same stations, rate in cents per hundred pounds to read 14.7 instead of 13.7.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2929, effective December 27, 1916.

No. 6358; December 12, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 11, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than December 15, 1916, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2994, said supplement to correct clerical errors in said tariff, filed to take effect December 15, 1916, as follows: Now reads from Canandaigua to station taking index No. 270: change to read index No. 760; to eliminate rate of forty-two cents per net ton from Dunwoodie to Towners, N. Y., index No. 1624, and to add rate of forty-two cents per net ton from Dunwoodie to Nepperhan, N. Y., index No. 1700; also to change rates from Mahopac, N. Y., to stations taking index Nos. 1724 to 1734, inclusive, to fifty-three cents, and to index Nos. 1736 to 1740, inclusive, to forty-two cents per net ton, and to eliminate rate of fifty-three cents per net ton applying from Millerton, N. Y., to Lincolndale, N. Y., index No. 1604; and to add rate of fifty-three cents per net ton from Millerton, N. Y., to Wassaic, N. Y., index No. 1640.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 2994, effective December 15, 1916.

No. 6359; December 12, 1916; The South Buffalo Railway Company:

Ordered: That under its application of date December 12, 1916, The South Buffalo Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date of this order, a supplement to its present tariff of car demurrage rules, P. S. C., 2 N. Y., No. 31, or a new superseding issue thereof, said supplement or new tariff to provide for the establishment of car demurrage rules to apply to New York state traffic until May 1, 1917, the same as the Interstate Commerce Commission recently ordered carriers generally to establish to apply on interstate shipments for the same period of time.

Completed by P. S. C. No. 42, effective December 19, 1916.

No. 6360; December 14, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 13, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local commodity tariff applying on Pulp Wood, carloads, minimum twelve cords, from Whippleville, N. Y., to Boonville, N. Y., at rate of one dollar and eighty-four cents per cord. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 4 to P. S. C. N. Y. C. No. 2611, effective December 21, 1916.

No. 6361; December 15, 1916; Albany Southern Railroad Company:

Ordered: That under its application of date December 14, 1916, the Albany Southern Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date of this permission, a local commodity tariff applying on Ale and Beer, in barrels, and Old Empty Barrels and Bottles, in carloads, in either direction between Albany (South Ferry Street), N. Y., and Hudson (Washington Street), N. Y., said tariff to establish the rates as shown in proof copy of proposed tariff accompanying said application and which is hereby made part of this order.

Completed by P. S. C. No. 135, effective December 19, 1916.

No. 6362; December 15, 1916; The Delaware and Hudson Company:

Ordered: That under its application of date December 15, 1916, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Anthracite Coal Dust and Anthracite Coal Screenings, in carloads, minimum weight twenty gross tons of twenty-two hundred and forty pounds each, from Delanson, N. Y., over its line via Albany, N. Y., and the New York Central railroad to Rensselaer, N. Y., at rate of eighty cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 3327, effective December 16, 1916.

No. 6363; December 16, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date December 15, 1916, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective not earlier than January 1, 1917, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3321, said supplement to substitute reference mark 6 in circle in place of 3 in circle in connection with rate of sixty-three cents per two thousand pounds on Bleach, Caustic Liquor, etc., from stations index Nos. 458 to 472 inclusive, to stations index Nos. 470 to 472 inclusive, as shown on page four, and to add explanation of reference mark 6 in circle to read as follows: "This rate will apply only on Caustic Liquor in tank cars, in carloads of 60,000 pounds and over, from Niagara Falls, N. Y., and will include deliveries to industries located on connecting lines at Buffalo, N. Y., to which the switching charge does not exceed \$3.50 per car."

Completed by supplement No. 1 to P. S. C. No. D-3321, effective January 1, 1917.

No. 6364; December 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of December 28, 1916, new tariffs as canceling its tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 1033, 1656, and 1719, reissuing the matter contained and establishing therein rates per ton of two thousand pounds on Plaster Board, in carloads, from the same points of origin to the same destinations which will be no more than twenty-five cents per two thousand pounds higher than the present rates on plaster, in carloads, between the same points; also on same notice and effective January 1, 1917, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 3006, said supplement to cancel the above referred to new issues and bring forward the rates contained as reissued items.

Completed by P. S. C. N. Y. C. Nos. 3049, 3050, and 3051, effective December 28, 1916; and supplement No. 1 to P. S. C. N. Y. C. No. 3006, effective January 1, 1917.

No. 6365; December 16, 1916; West Shore Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date December 15, 1916, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of December 28, 1916, new tariffs as canceling its tariffs P. S. C., 2 N. Y., W. S. Nos. 320 and 355, reissuing the matter contained and establishing therein

rates per ton of two thousand pounds on Plaster Board, in carloads, from the same points of origin to the same destinations which will be no more than twenty-five cents per two thousand pounds higher than the present rates on plaster, in carloads, between the same points; also on same notice and effective January 1, 1917, a supplement to its tariff P. S. C., 2 N. Y., W. S. No. 876, said supplement to cancel the above referred to new issues and bring forward the rates contained as reissued items.

Completed by P. S. C. W. S. No. 901, and supplement No. 1 to P. S. C. W. S. No. 876; effective December 28, 1916.

No. 6366; December 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of December 28, 1916, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2396, said supplement to cancel supplement No. 3 to said tariff, now under postponement until December 29, 1916, and to reissue the rates contained on Plaster Articles, in carloads, from New York city, Brooklyn, and Long Island City, N. Y., stations, also from New York city including lighterage within the free lighterage limits of New York harbor, to stations in New York state on the Boston and Albany railroad; also to establish on Plaster Board, in carloads, from and to the same points, rates not to exceed twenty-five cents per ton more than the rates on plaster articles, in carloads.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 2396, effective December 28, 1916.

No. 6367; December 16, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 15, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of December 28, 1916, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2399, said supplement to cancel supplement No. 3 to said tariff, now under postponement until December 29, 1916, and to reissue the rates contained on Plaster Articles, in carloads, from New York city, Brooklyn, and Long Island City, N. Y., stations, also from New York city including lighterage within the free lighterage limits of New York harbor, to stations in New York state on the Boston and Maine railroad; also to establish on Plaster Board, in carloads, from and to the same points, rates not to exceed twenty-five cents per ton more than the rates on plaster articles, in carloads.

Completed by supplement No. 12 to P. S. C. N. Y. C. No. 2399, effective December 28, 1916.

No. 6368; December 16, 1916; Norwood and St. Lawrence Railroad Company:

Ordered: That under its application of date December 15, 1916, the Norwood and St. Lawrence Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date of this order, a new tariff of car demurrage rules, said new tariff to cancel its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 11, and establish, to apply until May 1, 1917, in connection with intrastate traffic, the car demurrage rules ordered by the Interstate Commerce Commission in order of date November 29, 1916. I. & S. Docket 966, to apply in connection with interstate traffic; also to establish, to similarly apply on and after May 1, 1917, the Standard Code of Car Demurrage Rules as in effect by carriers generally prior to December 1, 1916.

No. 6369; December 18, 1916; International Railway Company:

Ordered: That under its application of date December 16, 1916, the International Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date of this order, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 53, said supplement to provide for the establishment of car demurrage rules to apply to New York state traffic until May 1, 1917, the same as the interstate Commerce Commission recently ordered carriers generally to establish to apply on interstate shipments for the same period of time.

Completed by supplement No. 1 to P. S. C. No. 53, effective December 26, 1916.

No. 6370; December 18, 1916; The Pennsylvania Railroad Company:

Ordered: That under its application of date December 16, 1916, The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its joint freight tariff of class rates applying from stations on its line to stations on the line of the Wellsville and Buffalo Railroad Corporation, G. O. P. S. C., 2 N. Y., No. 892, said supplement to cancel said tariff, in so far as same contains rates applicable to New York intrastate traffic, on account of the Wellsville and Buffalo Railroad Corporation having ceased to operate its line. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 3 to G. O. P. S. C. No. 892, effective January 29, 1917.

No. 6371; December 18, 1916; Skaneateles Railroad Company:

Ordered: That under its application of date December 18, 1916, the Skaneateles Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and effective within thirty days from the date of this order, a new tariff of car demurrage rules, said tariff to cancel its P. S. C., 2 N. Y., No. 9, and reissue the matter contained without change except to establish the following as Rule 7 to apply until May 1, 1917: "Rule 7, Demurrage Charge. After the expiration of the free time allowed, the following charges per car per day or fraction of a day will be made until car is released, to wit: \$1 for the first day; \$2 for the second day; \$3 for the third day; and \$5 for the fourth day and each succeeding day."

Completed by P. S. C. No. 13, effective December 26, 1916.

No. 6372; December 18, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 18, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective within thirty days from the date of this order, a new tariff of regulations covering charges for the discharging and transfer of Bituminous Coal at West Shore Ore Dock, Buffalo, N. Y., and provide therein the following:

"On Bituminous Coal arriving by vessel at Buffalo and unloaded by means of the machinery and other facilities furnished by the West Shore R. R., the unloading charge for taking the Bituminous Coal from the hold of the vessel to the cars will be 25 cents per ton of 2000 pounds."

"On Bituminous Coal handled over West Shore Ore Dock, the West Shore R. R. (The N. Y. C. R. R. Co., lessee), will pay to the Ashtabula & Buffalo Dock Co., contractor, 15 cents per ton of 2000 pounds for the service performed by them of handling the coal from vessel hold to cars."

Completed by P. S. C. N. Y. C. No. C-26, effective December 19, 1916.

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No. 6373; December 20, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date December 19, 1916, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3205, said supplement to establish rate of fifty cents per ton of two thousand pounds on Rough Stone, in carloads, from Rochester, N. Y., to Geneva, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 12 to P. S. C. No. D-3205, effective December 26, 1916.

No. 6374; December 20, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 19, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a new tariff or supplement to a tariff, said tariff or supplement to establish rate of seventy-nine cents per cord on Pulp Wood, in carloads, minimum twelve cords, from Santa Clara, N. Y., to St. Regis Falls, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 2611, effective December 29, 1916.

No. 6375; December 21, 1916; Marcellus and Otisco Lake Railway Company:

Ordered: That under its application of December 21, 1916, the Marcellus and Otisco Lake Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date hereof, a new tariff of car service rules and regulations and demurrage charges applying at all stations of the Marcellus and Otisco Lake Railway Company, said tariff to supersede tariff P. S. C., 2 N. Y., No. 21, and reissue the matter contained without change except to provide for the following: A further charge of thirty cents per diem will be made after 4:30 p. m. from day car is placed or ready to be placed; this charge to be effective for twenty-four or forty-eight hours or until demurrage charges may accrue.

No. 6376; not used.

No. 6377; not used.

No. 6378; December 23, 1916; International Railway Company:

Ordered: That under its application of date December 21, 1916, the International Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a local and proportional freight tariff as canceling its P. S. C., 2 N. Y., No. 45, reissuing the matter contained therein without change except to establish rate of thirty-five cents per ton of two thousand pounds on Ground Limestone, in carloads, minimum weight sixty thousand pounds, between Lockport, N. Y., and Wrights, N. Y., Burt, N. Y., Newfane, N. Y., Corwin, N. Y., and Olcott, N. Y. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

Completed by P. S. C. No. 66, effective January 1, 1917.

No. 6379; December 26, 1916; Lehigh Valley Railroad Company:

Ordered: That under its application of date December 23, 1916, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the

regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not earlier than January 1, 1917, a new tariff of car demurrage rules as canceling its P. S. C., 2 N. Y., No. G-22, reissuing the matter contained therein without change except to correct Rules 4 and 6 as shown in proof copy of proposed tariff accompanying said application and which is hereby made part of this order.

Completed by P. S. C. No. G-25, effective January 1, 1917.

No. 6380; December 26, 1916; Buffalo Southern Railway Company, N. A. Bundy, Receiver:

Ordered: That under its application of date December 21, 1916, the Buffalo Southern Railway Company, N. A. Bundy, Receiver, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of January 1, 1917, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 2, filed to take effect January 1, 1917, said supplement to establish rate of two dollars and eighty cents to apply to the sale of sixty-trip commutation tickets between Big Tree Road, N. Y., and City Line, Seneca Street, N. Y.; also to establish rates to apply to the transportation of express shipments between all points on its line as follows: Newspapers, in packages, at owner's risk, twenty-five cents per hundred pounds; miscellaneous packages, not of a character to interfere with passenger traffic, at owner's risk, taken on front platform at regular passenger rates for each package. No charge less than ten cents for each package.

No. 6381; December 28, 1916; The Owasco River Railway:

Ordered: That under its application of date December 26, 1916, The Owasco River Railway be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not later than January 15, 1917, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 9, said supplement to cancel supplement No. 2 thereto and reissue the matter contained without change except as to the effective date as to intrastate traffic.

No. 6382; December 28, 1916; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date December 27, 1916, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2489, said supplement to establish rate on Axles, old car; Borings (iron or steel); Rails, old (regardless of the purpose for which they are used); Scrap (iron or steel); Turnings (iron or steel); Wheels, old car (loose or attached to axles), in carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 9131 (N. Y. C. & H. R. R. Co. issue), from Syracuse, N. Y., to Carthage, N. Y., of one dollar and fifty-two cents per ton of twenty-two hundred and forty pounds; and from Syracuse, N. Y., to Lowville, N. Y., of one dollar and fifty-eight cents per ton of twenty-two hundred and forty pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date hereof.

No. El.-23; December 9, 1916; La Fargeville Electric Light Company:

Ordered: That under its application of December 6, 1916, the LaFargeville Electric Light Company be and is hereby authorized to publish and file, in the manner outlined in the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and under an effective date of January 1, 1917, revised leaves to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, such revised leaves to supersede Original Leaves Nos. 6 and 7 of said general schedule, making the changes specified in the application, and bearing the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-23, of December 9, 1916."

Completed by schedules effective January 1, 1917.

No. El.-24; December 18, 1916; Empire Gas and Electric Company:

Ordered: That under its application of December 16, 1916, the Empire Gas and Electric Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not later than January 1, 1917, supplements to general schedules for electricity, P. S. C., 2 N. Y., No. 1, and adopted P. S. C., 2 N. Y., Nos. 3 to 10 inclusive, such supplements to postpone the effective date of the following leaves issued to said general schedules until January 15, 1917, on which date such leaves, except First Revised Leaves Nos. 8, 9, and 10 to P. S. C., 2 N. Y., No. 1; and First Revised Leaves Nos. 8 and 9 to P. S. C., 2 N. Y., No. 8, will be superseded by the new issue filed to take effect January 15, 1917: P. S. C., 2 N. Y., No. 1, First Revised Leaves Nos. 6, 7, 8, 9, and 10; adopted general schedules P. S. C., 2 N. Y., No. 3, First Revised Leaf No. 6, Original Leaf No. 20; P. S. C., 2 N. Y., No. 4, First Revised Leaf No. 6, Original Leaf No. 16; P. S. C., 2 N. Y., No. 5, First Revised Leaf No. 6, Original Leaf No. 13; P. S. C., 2 N. Y., No. 6, First Revised Leaf No. 6, Original Leaf No. 12; P. S. C., 2 N. Y., No. 7, First Revised Leaves Nos. 6 and 7; P. S. C., 2 N. Y., No. 8, First Revised Leaves Nos. 6, 7, 8, and 9; P. S. C., 2 N. Y., No. 9, First Revised Leaf No. 6, Original Leaf No. 11; P. S. C., 2 N. Y., No. 10, First Revised Leaf No. 6 and Original Leaf No. 13. In order that this permission may be made effective, the Commission's regulation as to supplementing general schedules will be waived so as to permit the issuance of a supplement to each of the general schedules referred to making the postponements herein authorized. Said supplements shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-24, of December 19, 1916."

Completed by schedules effective January 1, 1917.

No. El.-25; December 19, 1916; Niagara Electric Service Corporation:

This permission not used.

No. El.-26; December 26, 1916; Adirondack Electric Power Corporation:

Ordered: That under its application of December 22, 1916, the Adirondack Electric Power Corporation be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, revised leaves to its general schedules for electricity, P. S. C., 2 N. Y., Nos. 1, 3, 4, and 5, reissuing Service Classifications Nos. 1 therein without change except to establish the following rates and regulations for metered lighting service to apply in the cities of Glens Falls, Saratoga Springs, and Watervliet, and the village of Ballston Spa: First 100 kw.h., 10 cents per kw.h.; next 200 kw.h., 9 cents per kw.h.; next 300 kw.h., 8 cents per kw.h.; next 600 kw.h., 6 cents per kw.h.; next 800 kw.h., 5 cents per kw.h. With a discount of 10 per cent if bill is paid within ten days from date of bill; minimum charge fifty cents per month. The revised leaves to be issued under this order shall bear the following notation: Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-26, of December 26, 1916.

No. G-7; December 18, 1916; Empire Gas and Electric Company:

Ordered: That under its application of December 16, 1916, the Empire Gas and Electric Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not later than January 1, 1917, a supplement to its general schedule for gas, P. S. C., 2 N. Y., No. 6, such supplement to postpone the effective date of First Revised Leaves Nos. 6, 7, 8, and 9, issued to said general schedule, until January 15, 1917, on which date First Revised Leaf No. 6 will be superseded by Second Revised Leaf No. 6. In order that this permission may be made effective, the Commission's regulation as to supplementing general schedules will be waived so as to permit the issuance of a supplement to

said general schedule making the postponement herein authorized. Said supplement shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. G-7, of December 19, 1916."

Completed by schedule effective January 1, 1917.

No. G-8; December 30, 1916; Churchville Oil and Natural Gas Company:

Ordered: That under its application of December 29, 1916, the Churchville Oil and Natural Gas Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, and under an effective date of January 1, 1917, an amendment to its general schedule for gas, P. S. C., 2 N. Y., No. 1, such amendment to supersede First Revised Leaf No. 7 thereof, revising Service Classification No. 2, applying in the village of Churchville, as specified in the exhibit attached to said application, and shall bear the following notation: Issued under special permission of the Public Service Commission, Second District, State of New York, No. G-8, of December 30, 1916.

Completed by schedule effective January 1, 1917.

APPENDIX G

MATTER OF REPARATION, ETC., 1916.

APPENDIX G

Reparation practice before the Commission was originally based upon principles announced by it in Circular No. 40, issued under date of August 12, 1908, to the various railroad corporations, to the effect that the Commission had power under the provisions of the Public Service Commissions Law (sections 26 and 33) to determine that shippers or passengers had been injured by the exaction on the part of carriers of rates or fares shown to be unreasonable, unjust, wrongly discriminatory, or unduly prejudicial; to find and determine the amount of such rates or fares thus improperly charged and collected; and to prescribe by order that proper reparation should be made by the carrier. The practice of the Commission in such matters was also referred to in an Opinion adopted by it under date of December 2, 1909, in the *Matter of Rock v. The D. & H. Co.*, II P. S. C., 2nd D., Rep. 302. Determinations of the Commission in such cases previous to 1916 were embraced in resolution or order form and referred to in former reports, but under date of December 3, 1915, the Appellate Division of the Supreme Court, First Department, determined that the Commission has no power to adjudge that carriers shall refund past charges, because of the fact that the New York State statute contains no provision similar to section 16 of the Federal Act to Regulate Commerce which gives the Interstate Commerce Commission authority to determine that a complainant is entitled to an award of damages (*Matter of Murphy v. N. Y. O. R. R. Co.*, 170 App. Div. 788). An appeal from this decision to the Court of Appeals has not yet been argued.

Since the decision of the Appellate Division this Commission has ceased making determinations and orders in reparation cases, so called: but whenever carriers have voluntarily submitted to the Commission proposals for reparation to shippers or consignees, and the reasons therefor have appeared good and sufficient, the Commission has considered it a proper exercise of discretion to advise the carrier that reparation, if made by the corporation, would not be disapproved by the Commission; and *vice versa* in cases where the reasons advanced were considered by the Commission insufficient to justify the proposal. Following is a digest of the various matters thus affirmatively passed upon by the Commission, from the first case considered after the decision of the Appellate Division, February 17, 1916, to the end of the calendar year.

February 17, 1916

C.C.No. A 2344: A. Mendleson's Sons, complainants, *v.* The Delaware and Hudson Company and Erie Railroad Company, respondents. Refund of \$21.02 on one carload of caustic potash from Niagara Falls to Albany. Excessive rate.

March 3, 1916

C.C.No. A 1118: Larkin Company, complainant, *v.* The New York Central Railroad Company; Fonda, Johnstown and Gloversville Railroad Company; The Pennsylvania Railroad Company; Rutland Railroad Company;

The Delaware and Hudson Company; and New, York, Ontario and Western Railway Company, respondents. Refund of \$37.76 on one hundred and ten less than carload shipments of various articles from Buffalo to points upon respondents' lines, the shipments having been forwarded to replace similar articles, comprising parts of other shipments, which had been lost in transit and charges for the transportation of which had been paid to and retained by respondents.

C.C.No. A 1770: Reese-Sheriff Lumber Company, complainant, *v.* New York, Ontario and Western Railway Company and Unadilla Valley Railway Company, respondents. Refund of \$56.46 on two carloads of lumber from Hamden to Leonardsville. Joint through rate in excess of sum of local rates.

C.C.No. A 2169: Brooklyn Cooperage Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$16.52 on five carloads of waste edgings from Salisbury Center: four carloads to Dolgeville and one carload to Utica. Excessive rates.

C.C.No. A 2203: A. T. Swan, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$2 on one carload of hay from Lindley to New York city. Unjust diversion charge.

C.C.No. A 2326: Ell. Scoville Co., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$4.56 on one carload of lumber from Glenfield to Manlius. Long and short haul clause violated.

C.C.No. A 2360: Ames Iron Works, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$14.97 on two carloads of boilers and parts from Oswego to Rochester. Excessive rate.

C.C.No. A 2376: James M. Wells Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$8.40 on one carload of iron ore paint from Ogdensburg to Selkirk. Excessive rate.

C.C.No. A 2381: The Solvay Process Company, complainant, *v.* The Delaware, Lackawanna and Western Railroad Company, respondent. Refund of \$17.68 on ten carloads of pulverized limestone from Jamesville: two carloads to Cortland, seven carloads to Binghamton, and one carload to Utica. Excessive rates.

C.C.No. A 2382: Hazard, Coates & Bennett Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$4.20 on one carload of scrap iron from Montezuma to Rochester. Long and short haul clause violated.

C.C.No. A 2388: Grant, Smith & Co. and Locher, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$113.24 on five carloads of gravel from Marcy to Utica. Excessive rate.

C.C.No. A 2405: Thurlow Weed Barnes, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$17.16 for the transportation of two cows from Eagle Bridge to Albany, comprising part of carload shipment of cattle from Salem to Albany. Excessive rate.

C.C.No. A 2425: The Basic Refractories Corporation, complainant, *v.* The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$150.24 on one carload of burnt magnite from Benson Mines to Cortland. Excessive combination rate.

C.C.No. A 2430: J. C. Turner Lumber Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$7.30 on one carload of lumber from Irvington to Raquette Lake. Through rate in excess of sum of local rates.

C.C.No. A 2462: Lackawanna Steel Company, complainant, *v.* Lehigh Valley Railroad Company, respondent. Refund of \$6.35 on two carloads of steel bars from Lackawanna over the South Buffalo railway to Buffalo, and thence over the Lehigh Valley railroad to Auburn. Excessive charge because of non-absorption by respondent of South Buffalo railway switching charges.

C.C.No. A 2487: Buffalo Concrete Gravel Co., Inc., complainant, *v.* Buffalo, Rochester and Pittsburgh Railway Company and The New York Central Railroad Company, respondents. Refund of \$91.67 on one carload of gravel from Springville to Athol Springs. Joint through rate in excess of sum of local rates.

March 6, 1916

C.C.No. A 2309: Lackawanna Steel Company, complainant, *v.* The New York Central Railroad Company and Central New York Southern Railroad Company, respondents. Payment of \$2 for side-stakes furnished for four carloads of steel rails from Lackawanna via East Buffalo, one carload to Ithaca, and three carloads to New York city.

C.C.No. A 2473: M. J. Wilson, complainant, *v.* Erie Railroad Company, respondent. Refund of \$29.03 on four carloads of logs from Markhams to Falconer. Long and short haul clause violated.

C.C.No. A 2499: Standard Oil Company of New York, complainant, *v.* Erie Railroad Company, respondent. Refund of \$5.86 on one carload of gasoline from East Buffalo to Wellsville. Excessive rate.

March 16, 1916

C.C.No. A 1291: Louis Bush, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$21.39 and adjustment of outstanding charge of \$14.20 in connection with transportation of four carloads of hay from Lowville and Glenfield to Raquette Lake.

C.C.No. A 1842: Syracuse Milling Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$10.82 on one less than carload shipment of mixed feed from Syracuse to Plumbrook. Long and short haul clause violated.

C.C.No. A 2110: Pearl City Veneer Company, complainant, *v.* Erie Railroad Company, respondent. Adjustment of outstanding charge of \$120.32 on five carloads of logs from Jamestown to Falconer. Excessive rate.

C.C.No. A 2139: William N. Luty, complainant, *v.* The New York Central Railroad Company and The Delaware and Hudson Company, respondents. Adjustment of outstanding charge of \$9.08 on one carload of heading from Peru, N. Y., to Pier 34, East river, New York city. Long and short haul clause violated.

C.C.No. A 2363: Peck & Pratt, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$43.32 and adjustment of outstanding charge of \$90.72 in connection with transportation of three carloads of tomato plants from Lyndonville to Hilton. Excessive rate.

C.C.No. A 2401: J. B. Malcolm Co., complainant, *v.* The New York Central Railroad Company and Newark and Marion Railway Company, respondents. Adjustment of outstanding charge of \$99.64 on two carloads of tomato plants from Lockport to Marion. Excessive rate.

C.C.No. A 2406: Glens Falls Portland Cement Company, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$167.45 on twenty-one carloads of cement from Glens Falls to Port Kent, Albany, Ausable Forks, Cohoes, Delano Junction, Green Island, Mechanicville, Mooers Junction, Plattsburgh, Port Henry, Schenectady, Troy, Warrensburgh, and Westport. Excessive minimum carload weights.

C.C.No. A 2453: Catchpole Boiler & Foundry Company, complainant, *v.* Lehigh Valley Railroad Company and The Pennsylvania Railroad Company, respondents. Refund of \$46.64 on fifty-three less than carload shipments of rough iron castings from Geneva to Montour Falls. Excessive rate.

C.C.No. A 2492: The Helderberg Cement Company, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$12.42 on three carloads of cement from Howes Cave to Schoharie Junction. Excessive minimum carload weight.

C.C.No. A 2493: The Helderberg Cement Company, complainant, *v.* The Delaware and Hudson Company and Cooperstown and Charlotte Valley Railroad Company, respondents. Refund of \$3.80 on two carloads of cement from Howes Cave to Cooperstown. Excessive minimum carload weight.

C.C.No. A 2494: The Helderberg Cement Company, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$119.83 on twenty-eight carloads of cement from Howes Cave to Albany, Altamont, Binghamton, Cobleskill, East Worcester, Lake Placid, Plattsburgh, Richmondville, Saratoga Springs, Troy, Wadhams, and Warrensburgh. Excessive minimum carload weights.

C.C.No. A 2591: International Paper Company, complainant, v. The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$67.64 on ten carloads of wrapping paper to North Tonawanda: two carloads from Fort Edward and eight carloads from Glens Falls. Long and short haul clause violated.

C.C.No. A 2683: R. Hogan, complainant, v. The New York Central Railroad Company, respondent. Refund of \$42.35 on one carload of sand from Boonville to Canandaigua. Excessive rate.

March 28, 1916

C.C.No. A 1635: Puritan Food Products Co., Inc., complainant, v. The New York Central Railroad Company, respondent. Refund of \$227.74 on seventy-five carloads of empty boxes from Fredonia: fifty-eight carloads to Brocton and seventeen carloads to Irving. Long and short haul clause violated.

C.C.No. A 2021: Gerry Veneer & Lumber Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$24.43 on one carload of wooden basket covers from Sinclairville to Sodus. Long and short haul clause violated.

C.C.No. A 2545: Martin B. Jones & Co., complainants, v. The New York, New Haven and Hartford Railroad Company, respondent. Refund of \$5.92 on one carload of corn from point within the free lighterage limits of New York harbor to New Rochelle. Excessive rate.

C.C.No. A 2549: J. McL. Stevens, complainant, v. The Delaware and Hudson Company, respondent. Refund of \$13.50 on three carloads of apples from Montcalm Landing over the railroad of The Delaware and Hudson Company to Troy, thence to point of delivery in said city upon tracks of The New York Central Railroad Company. Excessive charge because of non-absorption by respondent of The New York Central Railroad Company's switching charges.

C.C.No. A 2676: New Hartford Canning Company, Ltd., complainant, v. The New York Central Railroad Company, respondent. Adjustment of outstanding charge of \$365.50 on two carloads of tomato plants from Syracuse to Hamlin. Excessive rate.

C.C.No. A 2677: Emporium Forestry Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$242.12 on nine carloads of logs from Derrick to Childwold. Long and short haul clause violated.

C.C.No. A 2684: T. O. Smith's Sons, complainants, v. The New York Central Railroad Company, respondent. Refund of \$140.98 on three carloads of ice from Kast Bridge to Hammond. Excessive rate.

C.C.No. A 2695: Enterprise Foundry Company, complainant, v. Lehigh Valley Railroad Company and The Pennsylvania Railroad Company, respondents. Refund of \$18.55 on fourteen less than carload shipments of iron castings from Auburn to Montour Falls. Excessive rate.

C.C.No. A 2713: P. Lenane & Bro., complainants, v. The New York Central Railroad Company, respondent. Refund of \$2 for unjust track storage charge on one carload of hay at 33rd Street station, New York city.

C.C.No. A 2721: Mark A. Thompson, complainant, v. The New York Central Railroad Company, respondent. Refund of \$4.10 on one carload of coal screenings from Fulton to Liverpool. Long and short haul clause violated.

C.C.No. A 2729: The Buffalo Slag Co., Inc., complainant, v. The Delaware, Lackawanna and Western Railroad Company, respondent. Refund of \$10.50 on two carloads of slag from East Buffalo to East Bethany. Excessive rate.

C.C.No. A 2730: John Johnson Construction Co., complainant, v. The Delaware, Lackawanna and Western Railroad Company, respondent. Refund of \$226.53 on forty-seven carloads of slag from Black Rock and East Buffalo to East Bethany. Excessive rate.

C.C.No. A 2765: Phenix Cheese Co., complainant, v. The Delaware, Lackawanna and Western Railroad Company and Unadilla Valley Railway Company, respondents. Refund of \$54.01 on one carload of crushed stone from Syracuse to South Edmeston. Joint through rate in excess of sum of local rates.

March 30, 1916

C.C.No. A 2668: Webster Citizens Co., complainant, *v.* The Pennsylvania Railroad Company and The New York Central Railroad Company, respondents. Adjustment of outstanding charge of \$139.10 on four carloads of ice from Lime Lake to Rochester. Excessive rate.

April 13, 1916

C.C.No. A 2200: H. J. Heinz Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$4.91 on two carloads of bulk cabbage from East Palmyra to Hilton. Long and short haul clause violated.

C.C.No. A 2389: Geneva, Seneca Falls and Auburn R. R. Co., Inc., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$67.05 on four carloads of gravel from Geneva to Waterloo. Long and short haul clause violated.

April 27, 1916

C.C.No. A 1207: A. E. Wellman, complainant, *v.* Buffalo, Rochester and Pittsburgh Railway Company, respondent. Refund of \$6.09 on one carload of wheat from Pavilion Center to Buffalo. Long and short haul clause violated.

C.C.No. A 2278: Village of Fredonia, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$3.29 and adjustment of outstanding charge of \$16.45 in connection with transportation for the village of one carload of crushed slag from Buffalo to Fredonia. Long and short haul clause involved; refund and adjustment under authority of section 33 of Public Service Commissions Law.

C.C.No. A 2625: International Paper Company, complainant, *v.* The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$23.93 on four carloads of wrapping paper from Fort Edward to Rochester. Long and short haul clause violated.

May 4, 1916

C.C.No. A 1674: Refund proposed to be made by Erie Railroad Company and The New York Central Railroad Company to the Automatic Sprinkler Company of America of charges collected for the transportation of a mixed carload of material comprising an automatic sprinkler system from Syracuse to Jamestown. Proposal not passed upon because of submission of matter more than two years after shipment moved.

C.C.No. A. 2894: George Greiner, complainant, *v.* Erie Railroad Company, respondent. Refund of \$62.26 on two carloads of refuse stone from Rock Glen to Darien. Long and short haul clause violated.

May 9, 1916

Case No. 5443: In the matter of the complaint of Lux and Schuman *v.* The New York Central Railroad Company as to freight rate on deer skins from New York to Fonda. Refund of \$4.87 on one less than carload shipment of dry deer skins from Pier 34, East river, New York city, to Fonda. Long and short haul clause violated.

May 10, 1916

C.C.No. A 2638: The Republic Metalware Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$31 on two carloads of ground feldspar from Bedford Hills to East Buffalo. Long and short haul clause violated.

C.C.No. A 2911: The Raquette Lake Supply Co., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$16.61 on two carloads of straw from Lowville to Raquette Lake. Excessive rate.

May 23, 1916

C.C.No. A 1094: The East Hampton Lumber and Coal Co., Ltd., complainant, *v.* The Long Island Railroad Company, respondent. Refund of \$9

on two consignments of cord wood from East Hampton: one to Nepeague Beach and one to Montauk. Excessive minimum weight.

C.C.No. A 2234. Big Diamond Mills Company, complainant, v. Lehigh Valley Railroad Company and New York, Ontario and Western Railway Company, respondents. Refund of \$8.04 on one carload of flour from Auburn to Rome. Excessive rate.

June 6, 1916

C.C.No. A 1911: Geo. W. Millar & Co., complainants, v. The New York Central Railroad Company, respondent. Payment of \$3 because of cartage charge imposed upon complainants due to misrouteing of shipment of rags from New York city to Fulton.

C.C.No. A 2128: M. J. Wilson, complainant, v. Frank Sullivan Smith, Receiver of Pittsburg, Shawmut and Northern Railroad, and Erie Railroad Company, respondents. Refund of \$46.65 on three carloads of logs from West Notch to Jamestown and Falconer. Long and short haul clause violated.

C.C.No. A 2353: Boston Excelsior Company, complainant, v. The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$11.66 on one carload of excelsior from North Creek to 60th Street, New York city, and thence by lighter to Baltic Terminal, Brooklyn. Joint rate which included lighterage in excess of combination of rates.

C.C.No. A 2555: Buffalo Fertilizer Works, complainant, v. The New York Central Railroad Company, respondent. Payment of \$6.50 because of cartage charge imposed upon complainant due to negligence of respondent in accepting a less than carload shipment of fertilizer at East Buffalo destined to Wana-kah, at which point it had no facilities for delivering such traffic, delivery of the shipment having been effected at the next station, Lake View.

C.C.No. A 2915: Standard Furniture Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$189.55 on thirty carloads of logs from Brandreth to Herkimer. Long and short haul clause violated.

June 13, 1916

C.C.No. A 2947: Cary Brick Company, Incorporated, complainant, v. The New York Central Railroad Company, respondent. Refund of \$147.71 on seven carloads of brick from Cohoes to Piercefield. Long and short haul clause violated.

June 20, 1916

C.C.No. A 2916: Electro Metallurgical Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$12.90 on two carloads of scrap steel from Dunkirk to Niagara Falls. Long and short haul principle violated.

C.C.No. A 2931: David W. Delair, complainant, v. The New York Central Railroad Company, respondent. Refund of \$29.74 on one carload of wood from Woods to Tupper Lake Junction. Long and short haul clause violated.

C.C.No. A 2932: F. M. Churchill, complainant, v. The New York Central Railroad Company, respondent. Refund of \$11.18 and non-collection of outstanding charge of \$15.92 on two carloads of cordwood from Derrick to Suspension Bridge. Excessive rate.

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June 27, 1916

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July 5, 1916

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July 11, 1916

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C.C.No. A 2980: Turner Construction Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$41.29 on nineteen carloads of sand from Pattersonville to Amsterdam. Excessive rate.

July 18, 1916

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July 31, 1916

C.C. No. A 2816: Shaw & Lakin, complainants, v. Erie Railroad Company and The New York Central Railroad Company, respondents. Refund of \$217.39 and non-collection of outstanding charge of \$72.41 on ten carloads of brick from Jamestown to Farnham. Excessive rate.

C.C.No. A 2943: G. O. Bonnell, complainant, v. Erie Railroad Company and New York, Ontario and Western Railway Company respondents. Refund of \$77.76 on two carloads of crushed stone from Mt. Ivy: one carload to Ferndale and one carload to Strongtown. Long and short haul clause violated.

C.C.No. A 3025: H. Heverin, complainant, v. New York, Ontario and Western Railway Company, respondent. Refund of \$68.98 on two carloads of slag screenings from Franklin Springs to New Berlin. Excessive rate.

C.C.No. A 3047: H. B. Hanson, complainant, v. The New York Central Railroad Company, respondent. Refund of \$5 for unjust track storage charge on three carloads of cabbage at 33rd Street station, New York city.

C.C.No. A 3112: Blue Pond Mangle Roller Company, complainant, v. The New York Central Railroad Company, respondent. Refund of 30 cents and non-collection of outstanding charge of \$71.24 on two carloads of logs from Childwold to Derrick. Effective through rate in excess of combination of local rates.

August 1, 1916

C.C.No. A 2014: Eddy Valve Company, Troy Malleable Iron Company, and Burden Iron Company, complainants, *v.* The Delaware and Hudson Company and Erie Railroad Company, respondents. Non-collection of outstanding charges: \$7.58 against Eddy Valve Company, \$37.08 against Troy Malleable Iron Company, and \$80.40 against Burden Iron Company, in connection with the transportation of fifteen carloads of pig iron from Buffalo Lake to Waterford and Troy. Excessive rate.

C.C.No. A 2962: Francis M. Churchill, complainant, *v.* The New York Central Railroad Company and Rutland Railroad Company, respondents. Refund of \$4.77 and non-collection of outstanding charge of \$27.11 on one carload of slab wood from Childwold to Norwood. Long and short haul clause violated.

August 8, 1916

C.C.No. A 3095: Samuel Miller, complainant, *v.* The Pennsylvania Railroad Company and The New York Central Railroad Company, respondents. Refund of \$27 and non-collection of outstanding charge of \$57.95 on one carload of live stock from Ebenezer to Churchville. Long and short haul clause violated.

August 16, 1916

C.C.No. A 1909: American Hide and Leather Company, complainant, *v.* The New York Central Railroad Company and The Delaware and Hudson Company, respondents. Refund of \$44.51 on one tank carload of bark extract from Brooklyn Eastern District Terminal to Ballston Spa. Excessive rate.

C.C.No. A 2182: R. M. Booth, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$21.40 on seven carloads of gravel from Yosts to South Utica. Excessive rate.

C.C.No. A 2277: Thos. Millen Company, complainant, *v.* The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$139.87 on two carloads of sand from Ballina to Jamesville. Effective through rate in excess of combination of local rates.

September 19, 1916

C.C.No. A 3041: Hurd Bros., Inc., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$4.14 on two carloads of lumber from Louisiana Street station, Buffalo, to South Palmyra. Excessive rate.

C.C.No. A 3147: Spire & Prior, complainants, *v.* The New York Central Railroad Company, respondent. Non-collection of outstanding charge of \$57.97 in connection with the transportation of two carloads of curb stone from Albion to Buffalo. Excessive rate, and misrouteing feature involved.

C.C.No. A 3156: Mary A. Walsh, complainant, *v.* International Railway Company, respondent. Refund of \$10 in connection with funeral car service and transportation from North Tonawanda via Niagara Falls to Lewiston and return. Long and short haul clause violated.

C.C.No. A 3242: Electro Metallurgical Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$4.50 and non-collection of outstanding charge of \$62.77 in connection with the transportation of ten carloads of scrap steel from Dunkirk to Niagara Falls. Long and short haul principle violated.

C.C.No. A 3267: Knowlton Brothers, Inc., complainants, *v.* The New York Central Railroad Company, respondent. Payment of \$12.02 because of cartage charge imposed upon complainant due to misrouteing of shipment of paper from Watertown to New York city.

September 26, 1916

C.C.No. A 2936: Buffalo Fertilizer Works, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$10.20 on two carloads of fertilizer from Louisiana Street station, Buffalo, to Williamson. Excessive rate.

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C.C.No. A 3155: International Paper Company, complainant, *v.* The Delaware and Hudson Company and The Delaware, Lackawanna and Western Railroad Company, respondent. Refund of \$12.58 on one carload of news print paper from Fort Edward to Utica. Long and short haul clause violated.

C.C.No. A 3328: Ned Baker, complainant, *v.* The Delaware and Hudson Company and Erie Railroad Company, respondents. Refund of \$15.32 on one carload of lath from Ausable Forks via Binghamton to Lestershire. Joint through rate in excess of combination of local rates.

September 28, 1916

C.C.No. A 3190: J. A. Clark, complainant, *v.* Adams Express Company, respondent. Refund of \$76.32 on thirty-nine shipments of fresh fish from Peconic to New York city. Long and short haul clause violated.

C.C.No. A 3194: Samson Plaster Board Company, complainant, *v.* The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$13.60 on one carload of plaster from Oakfield via Utica to Chadwick. Excessive rate.

C.C.No. A 3273: Boston Excelsior Company, complainant, *v.* The New York Central Railroad Company, respondent. Non-collection of \$1 of unjust track storage charge on one carload of excelsior at 33rd Street station, New York city.

October 10, 1916

C.C.No. A 3085: Fonda, Johnstown and Gloversville Railroad Company, complainant, *v.* Erie Railroad Company and The New York Central Railroad Company, respondents. Refund of \$27.80 on one carload of telegraph poles from Ramapo via Newburgh to Fort Johnson. Long and short haul clause violated.

C.C.No. A 3131: D. Heffer & Son, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$47.25 on one carload of wheat from Dundee to Ogdensburg. Excessive rate.

C.C.No. A 3334: The Scottsville Sand & Gravel Company, complainant, *v.* The Pennsylvania Railroad Company and Lehigh Valley Railroad Company, respondents. Refund of \$170.16 on sixteen carloads of sand from Scottsville via Wadsworth Junction to Honeoye Falls. Excessive rate.

C.C.No. A 3342: Taggarts Paper Company, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$54.40 on one carload of pulpwood from Poland to Great Bend. Long and short haul clause violated.

C.C.No. A 3349: G. C. Wells, complainant, *v.* The New York Central Railroad Company, respondent. Non-collection of outstanding charge of \$10.07 in connection with the transportation of one carload of ice from Canandaigua to Brighton station, Rochester, and because of the long and short haul clause of the statute.

C.C.No. A 3457: Whitney Realty Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$6.40 on one carload of hay from Fonda to Long Lake West. Long and short haul clause violated.

C.C.No. A 3462: The Solvay Process Company, complainant, *v.* The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$85.30 on one carload of sand from Boonville via Oswego to Tully. Excessive rate.

October 17, 1916

C.C.No. A 3146: General Chemical Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$7.56 on two carloads of muriatic acid, in carboys, from 60th Street station, New York city, to New Hamburg. Excessive rate.

C.C.No. A 3318: W. T. Gaylord, jr., complainant, *v.* The New York Central Railroad Company, respondent. Payment of \$12.26 because of cartage charge imposed upon complainant due to misrouting of one carload of paper from Sodus to Franklin Street station, New York city.

October 19, 1916

C.C.No. A 3470: Buffalo Elevating Company, complainant, *v.* Buffalo General Electric Company, respondent. Refund of \$1249.16 of charges collected from complainant for the use of electric power during the period from September 1, 1915, to and including January 31, 1916, in the city of Buffalo. Excessive rate.

October 31, 1916

C.C.No. A 3068: Mutual Box Board Co., complainant, *v.* New York, Ontario and Western Railway Company, respondent. Refund of \$7.60 on one carload of box board from Utica to Oswego. Excessive rate.

November 16, 1916

C.C.No. A 3063: Birks & McLane, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$252 on twelve carloads of live stock from Lowville to Boonville. Excessive charge for special train service.

C.O.No. A 3272: Wickwire Brothers, complainants, *v.* The New York Central Railroad Company and Lehigh Valley Railroad Company, respondents. Refund of \$6.42 on one carload of unburned ground limestone from Gasport to Cortland. Excessive rate.

December 6, 1916

C.C.No. A 3148: Pittsford Milling Company, complainant, *v.* Lehigh Valley Railroad Company and The New York Central Railroad Company, respondents. Refund of \$80.82 on four carloads of wheat: three from Gorham and one from Thompson via Geneva to Pittsford. Violation of long and short haul clause.

C.C.No. A 3312: Mark A. Thompson, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$2.61 on one carload of anthracite coal screenings from Phoenix to East Syracuse, and non-collection of outstanding charge of \$1.49 in connection therewith. Excessive rate.

C.C.No. A 3533: Taggarts Paper Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$87.48 on eight carloads of cinders from Carthage to Great Bend. Excessive rate.

C.C.No. A 3534: Hurd Brothers, Incorporated, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$5.38 on one carload of lumber from Louisiana Street station, Buffalo, to Geneva. Excessive rate.

C.C.No. A 3540: Charles G. Terry, complainant, *v.* Adams Express Company, respondent. Refund of \$10.57 on three whole and forty-six half shad boxes of fresh fish from Southhold over the Long Island railroad to New York city. Violation of long and short haul clause.

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